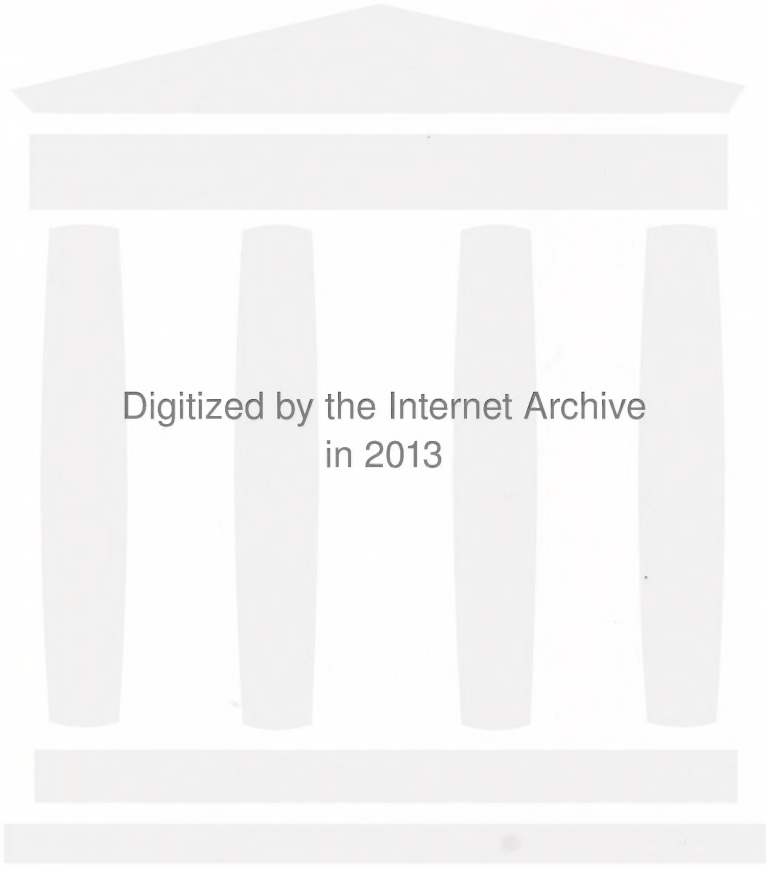


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JOURNAL

OF THE

SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

SESSION

1995

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Office of the Senate Principal Clerk [G.S. 120–27]

OFFICERS AND MEMBERS
OF
THE SENATE OF NORTH CAROLINA
GENERAL ASSEMBLY
SESSION 1995

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33		CHARLIE SMITH DANNELLY	Charlotte
34		T. L. ODOM	Charlotte
35		JOHN GERALD BLACKMON	Charlotte
36		JOHN H. CARRINGTON	Raleigh
37		DENNIS DAVIS	Lattimore
38		BETSY L. COCHRANE	Advance
39		JAMES FORRESTER	Stanley
40		LESLIE WINNER	Charlotte
41		C. R. EDWARDS	Fayetteville
42		ROBERT C. CARPENTER	Franklin

(See *Appendix* for Senatorial Districts)
*Elected March 28, 1995

SENATE JOURNAL

SESSION 1995

FIRST DAY

SENATE CHAMBER,
Wednesday, January 25, 1995.

In accordance with law, as set forth in the Constitution of the State of North Carolina and G.S. 120-11.1, the Senate of the General Assembly of North Carolina assembles this day, at the hour of 12:00 Noon, in the Senate Chamber of the Legislative Building in the City of Raleigh.

The Honorable Dennis A. Wicker, Lieutenant Governor, calls the Senate to order.

The President extends courtesies of the floor to the spouses of the Senators–elect and to the individuals invited by a Senator–elect and requests that they be seated beside their spouse or host.

The Chair recognizes the Sergeant–at–Arms of the 1993 Session of the General Assembly who announces the arrival of members of the Supreme Court of North Carolina, the North Carolina Court of Appeals, and the Superior Court of the General Court of Justice of North Carolina, at the doors of the Senate and await his direction. The President directs the Sergeant–at–Arms to open the doors of the Senate and escort the members of the Judiciary present to their seats.

PRESENTATION OF THE COLORS

The Chair recognizes the Sergeant–at–Arms of the 1993 Session of the General Assembly who announces the members of The University of North Carolina Clef Hangers are at the door and await his direction. The President directs the Sergeant–at–Arms to open the doors of the Senate and escort the members of The University of North Carolina Clef Hangers to the Well of the Senate. *(See Appendix)*

The Chair orders the Sergeant–at–Arms of the 1993 Session to open the doors of the Chamber for the presentation of the Colors by the Color Guard Unit of the Naval Junior Reserve Officer Training Corps, Havelock High School, Havelock, North Carolina. *(See Appendix)*

The Chair recognizes The University of North Carolina Clef Hangers who lead the singing of the National Anthem.

The Chair dismisses the Color Guard and The University of North Carolina Clef Hangers who recess from the Senate Chamber.

PLEDGE OF ALLEGIANCE

Led by the Lieutenant Governor, the Senators–elect, distinguished guests, and all of those present remain standing and pledge allegiance to the United States of America.

The President of the Senate introduces the Reverend Mike Morris, serving as Senate Chaplain for the 1995 Session of the General Assembly, who offers prayer as follows:

"Almighty God, our Heavenly Father, when Lieutenant Governor Wicker gavelled and called us to order in this Senate Chamber, he also birthed a new family; the Senate's family made up of members and staff.

"As in any family, the members' unique gifts and perspectives are as varied as the personalities You have given them, as the vocations from which they come, as the people whom they represent.

"As family, even in their differentness, they are bound together by a mutual respect and a common goal, that is to determine what is best for the people of our State. We can ask no more of these men and women than that.

"From You, O Lord, we pray that You will bless this new family; You know them, their needs, their motives, their hopes and their fears. Put Your Arm around them to give them strength and speak to them to give them wisdom greater than their own.

"Remind us always that You are concerned about what is said and done here. Let them hear Your Voice as they seek Your Guidance; this new family called the Senate of North Carolina.

"In Your Most Holy Name, we pray, Amen."

CALL OF THE ROLL

The Chair directs the Reading Clerk of the 1993 Session to call the roll by Senatorial District and the following Senators–elect appear with the proper certificates of election received from the Secretary of State, The Honorable Rufus Edmisten:

I, RUFUS L. EDMISTEN, Secretary of State of the State of North Carolina, do hereby certify that the State Board of Elections met Tuesday, the 29th day of November, A.D., 1994, in accordance with Chapter 163 of the General Statutes of North Carolina, at which time the Board did open, canvass and judicially determine the returns of votes cast in the election held on Tuesday, November 8th, 1994, and certified to me the persons duly elected as members of the Senate from the various Senate Districts comprising more than one county, and all others have been certified to me in the abstracts by the State Board of Elections as having the highest number of votes cast in the election for the Senate from districts composed of one county only, for the General Assembly of 1995, to wit:

First District	Marc Basnight
Second District	Frank W. Ballance, Jr.
Third District	Beverly M. Perdue
Fourth District	Patrick J. Ballantine

Fifth District	Charles W. (Charlie) Albertson
Sixth District	R. L. (Bob) Martin
Seventh District	Luther H. Jordan, Jr.
Eighth District	John Kerr
Ninth District	Edward N. Warren
Tenth District	Roy Cooper, III
Eleventh District	James D. Speed
Twelfth District	Don W. East Virginia Foxx
Thirteenth District	Wib Gulley Jeanne H. Lucas
Fourteenth District	J. K. Sherron Henry McKoy
Sixteenth District	Fred M. Hobbs Teena S. Little
Seventeenth District	J. Richard Conder Aaron W. Plyler
Eighteenth District	R. C. Soles, Jr.
Nineteenth District	Robert G. (Bob) Shaw
Twentieth District	Hamilton C. Horton, Jr. Mark McDaniel
Twenty-first District	Hugh Webster
Twenty-second District	Fletcher L. Hartsell, Jr.
Twenty-third District	Paul S. Smith
Twenty-fourth District	Anthony E. (Tony) Rand
Twenty-fifth District	David W. Hoyle
Twenty-sixth District	Austin M. Allran
Twenty-seventh District	Donald R. Kincaid Dan R. Simpson
Twenty-eighth District	R L Clark Jesse Ledbetter
Twenty-ninth District	Clark Plexico
Thirtieth District	David R. Parnell
Thirty-first District	William N. (Bill) Martin
Thirty-second District	Thomas B. (Tom) Sawyer
Thirty-third District	Charlie Dannelly
Thirty-fourth District	T. L. (Fountain) Odom
Thirty-fifth District	John G. (Jerry) Blackmon

Thirty-sixth District	John H. Carrington
Thirty-seventh District	Dennis Davis
Thirty-eighth District	Betsy L. Cochrane
Thirty-ninth District	James (Jim) Forrester
Fortieth District	Leslie Winner
Forty-first District	Chancy R. (C.R.) Edwards
Forty-second District	Robert C. (Bob) Carpenter

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

DONE IN OFFICE at Raleigh, this 30th day of December, 1994.

S/Rufus L. Edmisten
(SEAL) *Secretary of State*

The President of the Senate recognizes The Honorable Burley B. Mitchell, Jr., Chief Justice of the Supreme Court of North Carolina, who administers the following oath of office, to which those present respond and subscribe:

"I do solemnly swear or affirm that I will support the Constitution and laws of the United States; and do solemnly and sincerely swear or affirm that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear or affirm that I will faithfully discharge the duties of my office as a member of the Senate of the 1995 General Assembly of the State of North Carolina to the best of my knowledge and ability, so help me, God."

With forty-nine Senators responding to the call of the roll, the President declares a quorum of the Senate present and qualified.

REMARKS BY THE LIEUTENANT GOVERNOR

"Congratulations to each and every one of you. And thank you very much, Chief Justice Mitchell, to you and all the members of the Judiciary, for participating in our opening ceremonies, and you certainly lend dignity and honor to this occasion. And now, forty-nine Senators having answered the call of the roll and having taken the oath of office, I declare a quorum present and qualified.

"Members of the Senate, I'd like just to take a brief few moments to make some remarks to you on opening day. First, I want to welcome all of you here to Raleigh on this very special day. Having the privilege to serve our State is a high honor, and I congratulate all of you for your willingness to accept this important responsibility. You and I have an obligation to the citizens of this State, and it's to build a better North Carolina by investing in its most precious resource—our people.

"Members of the Senate, I believe by empowering people we can restore the faith that our citizens have and give them a voice in where we are going and a responsibility to help us get there. To paraphrase President Kennedy, we must ask not what North Carolina can do for us, but ask what we can do for North Carolina. It is our obligation with the people. We will empower them, and if we do this, I am convinced that they will take the empowerment and build upon it to be more productive and responsible as citizens. This is what the people want. This is what government has an obligation to do. This is what my Office has been focusing on.

"When the North Carolina State Board of Community Colleges elected me as Chairman, I outlined as our number one goal in this State of enhancing the job opportunities for our people. Why is this important? Because we live in a State, Members of the Senate, and I'm like Ross Perot on this—I want you to listen up on this one—we live in a State where one-third, **one-third** of our population is functionally illiterate. If we teach these people literacy skills, if we teach them job skills, they will find meaningful employment. We also live in a State where nearly two-thirds of our high school students today will not be attending a traditional four-year institution of higher learning; two-thirds. We must give them the foundation to go out and get a good job and continue their education and enhance their skills as the marketplace changes.

"So I say to you, Members of the Senate, please keep in mind when you debate welfare reform, we already have one of the very best anti-welfare infrastructure pieces in place, our Community College System. And as you know, our Community College System has a new leader in Dr. Vic Hackley, and I share his vision—that we provide a seamless education for our students in preparing them for their ever-changing global market. A market which places a high premium on skills resulting in productivity. And as Chairman of that Board and sitting as a member of the State Board of Education, I'm going to work hard with you to make that vision a reality by using such concepts as tech prep and school-to-work programs.

"Empowering small businesses has been another focus of my Office. More than ninety percent of all businesses in this State are small businesses. It's not the large businesses, it's the small businesses. Small businesses have been the largest job creators in the past and they're going to be the projected largest job creators in the future. And thanks to the past General Assembly, we are now empowering small businesses to be able to control their own health care costs through small business health care alliances. We are well on our way to providing small businesses with bargaining power to buy health care coverage that they've never had.

"Members of the Senate, let me give you another example of how small businesses are eager to help. I Chair the Small Business Council, and we've just finished drafting a new guide book containing an easy-to-follow recipe on how to do business with the State. And I want you to know that my Office has received hundreds of calls. In fact, in one day my Office received over 150 calls from small business owners who are interested in obtaining this new guide book. A common sense solution to an identified problem, that's what our people want from government.

"And as you know, my Office has also been working hard on measures that prevent the tragedy of drunken driving. Thanks to the past General Assembly, the .08 law has reduced drunk driving deaths and injuries to the lowest level ever.

And we must do more. I Chaired the Governor's Task Force on the Driving While Impaired, serving with Senator Odom and Senator Forrester, and by continuing to be pro-active, the package of recommendations by this Task Force will do even more to stop drunk driving and help prevent repeat offenders—**repeat offenders** from getting behind the wheel in this State.

"And finally, I'll be working very closely with the Governor to cut taxes. I very deeply believe, deeply believe that we must provide relief to our working families. It's working families who pay the most cost of government, and they're the ones who deserve the relief.

"Members of the Senate, as your presiding officer, I pledge to you my commitment to working with you. My role is best served as being a facilitator for your agenda. And every presiding officer has his or her own leadership style. I hope I have a reputation for being fair-minded and even-handed. But I'll tell you what I told those in orientation, I expect order, and I believe that we have an obligation to conduct ourselves with dignity while the Senate is in session. Remember that the eyes of the public are upon you, and we must lead by example. We are here to help our people and empower them the opportunities that will help them reach their full potential. I believe that this is the true function of government, empowering our people promotes and enriches our most precious resource, and this is a legacy that I believe that we should leave behind so that generations to follow us will inherit a better quality of life in this State. And I look forward to working with you as your Lieutenant Governor in pursuit of that legacy. Thank you very much."

The Senate responds with a standing ovation.

The President directs the Reading Clerk to read, as follows:

CERTIFICATION FROM SECRETARY OF STATE

I, RUFUS L. EDMISTEN, Secretary of State of the State of North Carolina, do hereby certify that the State Board of Elections has forwarded to me, a copy of an Order, in accordance with Chapter 163-191 of the General Statutes of North Carolina, that ordered a special election for State Senate District 15 to be conducted by the county boards of election in Lee, Harnett, Johnston and Sampson on March 28, 1995.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

DONE IN OFFICE at Raleigh, this 23rd day of January, 1995

S/Rufus L. Edmisten
(SEAL) *Secretary of State*

The Order of the State Board of Elections attached reads as follows:

BEFORE THE NORTH CAROLINA
STATE BOARD OF ELECTIONS

IN RE:
N.C. STATE SENATE DISTRICT 15) **ORDER**

In resolution of all appeals currently pending before the State Board of Elections and based upon the administrative record, the Board enters the following order:

1. That the results of the recount concluded on December 28, 1994, in State Senate District 15 show a tie between Democratic candidate Elaine Marshall and Republican candidate Dan Page.

2. Based upon the results of the recount concluded on December 28, 1994, and pursuant to G.S. 163–191, it is hereby ordered that a special election for State Senate District 15 shall be held by the county boards of election in Lee, Harnett, Johnston, and Sampson on March 28, 1995.

3. In all counties in District 15, both political parties may appoint persons to serve as precinct judges where any vacancies currently exist. Any person so appointed shall only serve as judge in the precinct to which they are appointed for this special election. For this special election, persons so appointed must be residents of District 15 and the county in which they are appointed, but need not be residents of the precincts in which they are appointed. Any persons appointed by either party to serve as precinct judges shall have their names submitted by the county chairman of their respective party to the chairman of the county board of elections on or before March 17, 1995.

4. In each county, all precinct chief judges and precinct judges, including but not limited to those judges appointed pursuant to the terms of this order, shall attend a three–hour training session to be held by each county board of elections during the week of March 20, 1995, on or before March 23, 1995. All county board members and a representative from the State Board of Elections will attend each training session.

5. For purposes of this special election, either political party may appoint to the position of observer persons who are not residents of the precinct in which they are appointed provided they are residents of District 15 and the county in which they are appointed. In all other respects, the appointment of observers shall be governed by the provisions of G.S. 163–45, including, but not limited to, the requirement that individuals authorized to appoint observers (the chairman of each political party) must, prior to 10:00 a.m. on the fifth day prior to the special election (March 23, 1995), submit in writing to the chairman of the county board of elections two signed copies of a list of observers appointed by them designating the precinct for which each observer is appointed.

6. On the day of the special election, a representative of the State Board of Elections shall be present in each county from the time the polls are opened until vote totals from all precincts are reported to the county board.

7. In Lee County, a representative of the State Board of Elections shall be present in each precinct before the polls are opened and until vote totals are calculated and ballots are sealed in the ballot box in accordance with the requirements of the General Statutes. The representative of the State Board of Elections will take possession of each precinct's ballot box after it is sealed.

8. In Lee County, a representative of the State Board of Elections shall be present at the Lee County Board of Elections for the counting of absentee and transfer ballots and shall take possession of those ballots after they are counted and sealed in accordance with the General Statutes.

9. All ballots used in all counties shall only contain the names of the two candidates and shall not contain provisions for straight ticket voting. The ballots will also show the party affiliation of each candidate in the customary manner.

10. For this special election, the county boards of election in Harnett, Johnston, and Sampson shall use the voting systems used in those counties during the 1994 General Election.

11. For this special election, in Lee County voting shall be done by traditional paper ballots that will be printed by the State Board of Elections. All ballots in each precinct shall be counted only by the precinct officials for each precinct. Any ballot that is disputed by any of the precinct officials shall be segregated from the other ballots for the precinct by placing them in a sealed envelope signed and dated by each precinct official. The envelope containing disputed ballots shall be placed in the precinct's ballot box and sealed with the other ballots for the precinct.

12. In all counties observers and members of the public shall have full and complete access to observe the counting of ballots.

13. It is stipulated by candidates Elaine Marshall and Dan Page that neither of them will appeal this order and that Page will dismiss his petition for judicial review of previous orders of the State Board, now pending in Wake County Superior Court as 94 CIV 11980.

14. In all respects not addressed by this order, this special election shall be conducted under the supervision of the State Board of Elections and in accordance with the appropriate procedures contained in Chapter 163 of the General Statutes.

This the 12th day of January, 1995.

State Board of Elections
By: S/Edward J. High, Chairman
By: S/Gary O. Bartlett, Executive
Secretary–Director

So Stipulated:
S/John R. Wallace
Wallace, Creech, Sarda & Zaytoun
Counsel for Elaine Marshall
P.O. Box 12065
Raleigh, North Carolina 27605

S/Thomas A. Farr
Maupin, Taylor, Ellis & Adams, P.A.
Counsel for Dan Page
P.O. Drawer 19764
Raleigh, North Carolina 27619

S/Charles Hensey
North Carolina Department of Justice
P.O. Box 629
Raleigh, North Carolina 27602

RESIGNATION

The President directs the Reading Clerk to read as follows:

The University of North Carolina
BOARD OF GOVERNORS

December 14, 1994

The Honorable Dennis Wicker
Lieutenant Governor of North Carolina
Hawkins–Hartness House
310 North Blount Street
Raleigh, North Carolina 27603

RE: Vacancy on the Board of Governors of the University of North Carolina
Seat formerly held by James Earl Danieley

Dear Sir:

The provisions of G.S. 116–7 require the Board of Governors to notify you when any vacancy occurs in its membership.

The Board wishes to inform you that the seat on the Board of Governors previously held by James Earl Danieley is vacant. Dr. Danieley resigned from the board effective November 30, 1994. Under the provisions of G.S. 116–7(c), the seat is deemed vacant. The Senate elected Dr. Danieley to a political minority seat with a four year term extending through June 30, 1995.

Dr. Danieley served on the Board of Governors since 1983. He was a valuable colleague and contributed significantly to the work of the Board.

Sincerely yours,
S/D. Samuel Neill
Secretary

The Chair orders the letter held in the Office of the Principal Clerk until committees are announced.

The President of the Senate directs the Reading Clerk to read as follows:

NORTH CAROLINA GENERAL ASSEMBLY

Senate Chamber
State Legislative Building
Raleigh 27611

January 20, 1995

The Honorable Dennis A. Wicker
President of the Senate
State Legislative Building
Raleigh, North Carolina

Dear President Wicker:

This is to advise you that the Senate Democratic Caucus met on November 30, 1994, with 26 members present and nominated the following officers for the 1995 Session of the General Assembly:

President *Pro Tempore* – Senator Marc Basnight
Deputy President *Pro Tempore* – Senator R. C. Soles, Jr.
Majority Leader – Senator J. Richard Conder
Majority Whip – Senator Frank W. Ballance, Jr.
Principal Clerk – Ms. Sylvia M. Fink
Reading Clerk – Mr. LeRoy Clark, Jr.
Sergeant–at–Arms – Mr. Cecil Goins

Sincerely yours,
S/Joan R. Leatherman
Assistant Secretary
Democratic Caucus

The President directs the Reading Clerk to read as follows:

NORTH CAROLINA GENERAL ASSEMBLY

Senate Chamber
State Legislative Building
Raleigh 27601–2808

January 9, 1995

Ms. Sylvia Fink
Principal Clerk, Senate Chamber
North Carolina General Assembly
Room 2020, Legislative Building
Raleigh, North Carolina

Dear Ms. Fink:

The Republican Delegation of the North Carolina Senate wishes to notify the Senate membership of the election of its leadership for the 1995 Session. We respectfully request that this information be appropriately recorded.

The Minority Leader elected by the Republican Senators is Betsy L. Cochrane of Davie County. The Minority Whip of the Republican Delegation is Austin M. Allran of Catawba County.

The Senate Republicans and their leadership look forward to working with you and your staff in the 1995 Session of the General Assembly.

Sincerely,
S/Betsy L. Cochrane

COURTESIES OF THE FLOOR

The President expresses appreciation to the Justices and Judges of the General Court of Justice for their participation in today's opening ceremonies and extends courtesies of the floor to the Honorable Burley Mitchell, Jr., Chief Justice of the Supreme Court of North Carolina; the Honorable Willis P. Whichard, Associate Justice of the Supreme Court of North Carolina; the Honorable Henry E. Frye, Associate Justice of the Supreme Court of North Carolina; the Honorable John Webb, Associate Justice of the Supreme Court of North Carolina; the Honorable Sarah Parker, Associate Justice of the Supreme Court of North Carolina; the Honorable Robert Orr, Associate Justice of the Supreme Court of North Carolina; the Honorable Sidney S. Eagles, Judge of the North Carolina Court of Appeals; the Honorable John B. Lewis, Jr., Judge of the North Carolina Court of Appeals; the Honorable Jack Cozort; the Honorable Clifton E. Johnson, Judge of the North Carolina Court of Appeals; the Honorable John C. Martin; the Honorable Joseph R. John, Jr., Judge of the North Carolina Court of Appeals; the Honorable James A. Wynn, Judge of the North Carolina Court of Appeals; and the Honorable D. Jack Hooks, Jr., Senior Resident Judge of the 13th District of the Superior Court of the General Court of Justice.

The President extends courtesies of the floor and gallery to the families, friends, and guests of the Senators and to all visitors.

ORGANIZATION OF THE SENATE

The President announces the Senate ready to proceed with the election of officers, and declares the floor open to nominations for a President *Pro Tempore* of the Senate, pursuant to Article II, Section 14(1) of the *North Carolina Constitution*.

The President recognizes Senator Martin of Pitt who offers the following nomination and remarks:

"Mr. President, ladies and gentlemen of the Senate. It is my honor and a special privilege for me to introduce to you a man who was my seatmate for eight years before he left for better things, and also the appointee by the Democratic Party, or the Democratic majority of this Senate, to be President *Pro Tem.* In some cases, Mr. President, we find ourselves having to restrict ourselves on some things we say about candidates when they're being introduced. But this is not the case today.

"In Marc Basnight we have a candidate who has a track record with us and we've seen him make it, compile it, day by day. We know what he can do and

what he will do, and we have complete confidence and trust and he is worthy of that trust. Marc is and has been an excellent State Senator for ten years, now beginning his eleventh year in this Body. He has prepared himself thoroughly for this opportunity. Having spent (some of you might not know it, some of you do know it) he spent hours in Raleigh learning for himself the process of State government and he's done well.

"Marc has earned not only the respect of this Body, but the House of Representatives and the public at large. Marc Basnight is a man that is committed. Committed to the Senate of North Carolina and to the State of North Carolina. He is committed to basic values. I know, when I say values in today's society, you get into trouble, you get into an argument whose values they are. Safe saying is honor, truth, and duty are not an arguable value. So, therefore, Marc is dedicated to that, and to the process of opening up State government for everyone to serve.

"All of you are familiar with his, not only causing legislation to be sponsored in order to open up State government, but he has pursued that legislation and he has the Senate to pass it and pass it on to the House; to the proper education of our children in the State of North Carolina. Especially, he has paid attention to the have–not–schools, so called, the ones of low wealth, and the ones in real small...and they have a very difficult time in trying to achieve the goal that has been set for them by the State Board of Education. Sometimes we ask why shouldn't all students in this State have the same chance and opportunity.

"To this end, Marc has dedicated himself. To those in need, to the economic development in this State, from the mountains to the coast. You might not be familiar with it, but Marc was one of the first ones to propose to the Department of Commerce, regionalism, which we have gone into, and caused a bill to be drafted for northeastern North Carolina, and one for southeastern North Carolina, to set themselves aside as a regional district in order to better economically develop. They've always asked the question 'What is Raleigh doing for me? Why aren't they paying us attention?' This gives them an opportunity to look at themselves and maybe they can find out what the problem is.

"And the list goes on and on, Mr. President. Especially he's committed also to the physical responsibility of this State. And his record as President *Pro Tempore* is excellent. He is well known, having traveled this State on occasions from coast to the mountains, trying to get the proper legislation for our universities, in that good time to issue bonds, and he saw that opportunity and he made it his point to promote it, possibly calling on every editor and newspaper in the State of North Carolina. You know the results of that effort.

"He has unified this Body as never before, paying attention to and giving equal consideration to all groups. He's proved to be a skillful negotiator when it comes to conferees and to the House.

"Mr. President, ladies and gentlemen of the Senate, we need Marc Basnight's commitment as never before. Therefore, I nominate our friend and present leader, Senator Marc Basnight, for the Office of President *Pro Tempore* of the 1995 General Assembly, and urge your support for this nomination."

The President recognizes Senator Martin of Guilford who offers the following remarks:

"Mr. President, Members of the Senate, guests, visitors. I am very pleased to be able to stand before you and second the nomination of Senator Marc Basnight as

President *Pro Tempo* of the North Carolina Senate. Many of the great qualities have been mentioned to you by Senator Bob Martin; but just to say a few words.

"Senator Marc Basnight is a person who has given us and shown us that there's proven leadership, included among, which I would have to say, that, we would, say with no doubt, that he has exercised sound judgment during the time that he has served us previously in this capacity. Among the qualities that I believe it is important to point out would be the situation of trust. We all do have faith and trust in the abilities, the leadership abilities that have been exhibited by Senator Basnight. And his basic instincts, among which are fairness, which is extremely important; a desire to do that which is right; and also sensitivity to a wide range of concerns, including those of business, the consumer, also in terms of the wealthy, the poor, the economic middle class, the diverse racial ethnic make–up within the State of North Carolina, and also the geographic regions of the State. He has made special efforts to present balanced viewpoints and arrive at consensus that exhibit that balanced viewpoint that all of us can safely follow and be proud of. Accordingly, we would have to say that he's a man that does possess wisdom, knowledge and understanding, and that is exhibited throughout the entire period that he has given us leadership.

"And finally, I would just indicate in closing that balanced viewpoints, balance is going to be particularly important this term, probably more so than it has been in the past, because there are a number of interests, competing interests. There's a lot of controversy that might arise and all of us have the confidence, who know him, that Marc Basnight is the person that can strike the proper balance to make sure that the Senate of North Carolina, the North Carolina General Assembly, and the State, is one whose policies and practices will go down in history as being solid and sound. Thank you, Mr. President."

The President recognizes Senator Kincaid of Caldwell who offers the following nomination and remarks:

"I would like to make a nomination for this Office. Thank you, Mr. President, guests, and Members of the Senate. I rise to nominate Senator Betsy Cochrane for this Office, and I want to tell you Members why. As you probably know, there's been a new day in the political scene in North Carolina and in the nation. The voters of this State, as you know, have kicked out of the traces and demanded a government of less taxes and less involvement in their lives, and I think Senator Speed would understand, probably more than anyone else, what I mean by kicking out of our traces. Many people in elective office now realize the mood of the public. Our current Governor, up to last year, probably had never seen a government program that he didn't like, and now he's trying to outbid us Republicans in tax relief. And this is good. No one can benefit by this better than the public, the taxpayers. In fact, this has created an atmosphere in this Body that I have often wished for and never seen, and we now have this atmosphere. We Republicans appreciate the fairness of Senator Basnight in the past. I've served here, as you know, a long time, and I can truthfully say I've never served with a more fair and more effective *Pro Tem* than Senator Basnight. However, the voters of this great State have placed a tremendous responsibility in the hands of us Republicans this year. Due to our numbers we sincerely believe it's our responsibility to offer a new direction for more conservative government and be involved in people's lives less.

"This is indeed a new day. And for that reason, Mr. President and Members of the Senate, it's a pleasure for me to introduce Senator Betsy Cochrane for this Office of Senate *Pro Tem.* I had the pleasure of knowing the Senator from Davie County for a long time. As you Members of the Senate are probably aware, Betsy has served in the House four terms, where she served as Minority Leader, and she's also served now, this will be her fourth term in the Senate.

"There are many things that I could say about Senator Cochrane, but I want to condense it due to the lack of time. She is a graduate of Meredith College here in Raleigh. She taught school in the public schools and private schools in North Carolina for, I think, about approximately eleven years. She is also active in her church where she taught Sunday School for seventeen years. Senator Cochrane possesses that ingredient that I think is essential to any politician to be successful, and that is ample common sense. She has plenty of common sense. Senator Cochrane and her husband, Joe, who is here with us today—she has a son and a daughter. Senator Cochrane is truly a lady, an experienced legislator, and a very knowledgeable legislator.

"It is indeed a pleasure and an honor for me to introduce and recommend Senator Cochrane for this Office. Thank you very much."

The President recognizes Senator Little of Moore who offers the following remarks:

"I rise to second the nomination of Senator Betsy Cochrane.

"Mr. President, as I rise this afternoon to second the nomination of Senator Betsy Cochrane as President *Pro Tempore* of the North Carolina Senate, I am reminded of the words of Bank of America Vice President Shelly Porges, when she observed 'To keep ahead in this dynamic environment in which the rules are constantly changing, requires more than simply a change in structure. It requires a change in our whole way of thinking.'

"To my friends and colleagues of this Chamber, I say it is a pleasure to second the nomination of Betsy Cochrane because it represents a significant change from the policies of the past. Senator Cochrane represents the hope for the future that North Carolina voters demanded on the first Tuesday in November of 1994. Senator Cochrane has been a leader in the General Assembly since her election to the House of Representatives in 1980, the first woman ever from her district. In 1983–84, she was the first woman to serve in a leadership role of the Republican Joint Caucus. During her eight years in the House of Representatives, she was also the first woman ever elected as House Minority Leader. This position continued to underscore the precedent already set by Senator Cochrane as an agent of change. So significant were her contributions to the affairs of the North Carolina House of Representatives that the National Republican Legislators Association selected her as one of their ten top legislators in the nation.

"After serving with distinction in the House of Representatives for eight years, Senator Cochrane became the first woman from her district to be elected to the North Carolina Senate. Since the first day of the first term, she has served this Body with honor and distinction. Her credentials and qualifications are impeccable. She is a career educator, a member of the Board of the Public School Forum, a member of the Governor's Advocacy Council on Children and Youth, the Governor's Program of Excellence in Education, and the Governor's Commission on Work Force Preparedness. She has served this Body on the Advisory Budget

Committee, the Economic Futures Commission, the Commission on Aging, the Legislative Ethics Committee of the General Assembly, and the Legislative Services Commission. When not in Raleigh, she is working for the good of her district and the State. She is at home contributing her time and energies to a variety of cultural and civic activities, including the North Carolina Symphony Guild, the North Carolina Museum of History Associates, and the North Carolina Arts Society. Locally she works with and supports the Piedmont Health Systems Agency and the Heart Fund. Through fourteen years of service to the institution of the North Carolina General Assembly, Senator Cochrane has been in the forefront of this Body's activities and efforts. Her devotion, commitment, fairness, intelligence, and energy are exceeded only by her perseverance. Having worked in these halls for many years, she has heard the word 'no' on more than one occasion, yet she has continued to be tireless in her efforts on behalf of North Carolina citizens. There is a fire in her heart that will not let her quit or say 'no' to the reasonable demands of the people in her district and this State.

"My fellow colleagues, Senator Cochrane is a true leader and an agent of change. Those citizens who exercised their civic duty in November demanded a change, and we today are in a position to give them what they have requested. It is my high honor and happy privilege to second the nomination of my friend of twenty years, Senator Betsy Cochrane, for President *Pro Tempore* of the North Carolina Senate. Thank you, Mr. President."

Hearing no further nominations the Chair directs the members of the Senate to answer the call of the roll and cast their vote for the President *Pro Tempore* nominee of their choice.

Those voting for Senator Basnight are: Senators Albertson, Ballance, Basnight, Conder, Cooper, Dannelly, Edwards, Gulley, Hobbs, Hoyle, Jordan, Kerr, Lucas, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sherron, Soles, Speed, Warren, and Winner—26.

Those voting for Senator Cochrane are: Senators Allran, Ballantine, Blackmon, Carpenter, Carrington, Clark, Cochrane, Davis, East, Forrester, Foxx, Hartsell, Horton, Kincaid, Ledbetter, Little, McDaniel, McKoy, Sawyer, Shaw, Simpson, Smith, and Webster—23.

The President announces Senator Marc Basnight of Dare County receives 26 votes and Senator Betsy Cochrane of Davie County receives 23 votes and declares Senator Marc Basnight of Dare County elected President *Pro Tempore* of the Senate for the 1995 Session.

The Chair recognizes Senator Cochrane of Davie County who offers the following remarks:

"Thank you, Mr. President. I realize that the President *Pro Tempore* is not here, but I think it's important for all of the Body that is here to know that the twenty-three Republican Senators offer their congratulations to the person who has been elected to President *Pro Tempore* of this Senate. We are here to pledge our support to all Senators of good will to do good government issues in this Session of the General Assembly. We have made this gesture today to show we are here in numbers significant enough to be taken seriously and to be serious players in the process. What has happened here today is not historically new. It has been done in the House of Representatives for years. It is done in Congress always.

It is merely a gesture to show we are duly elected members of this Body here to do a job; and we Republicans are here committed to do the job for the people that elected us, and we today are pledging our support for the duly elected leadership of this Body and we do intend to be people of good will as members of the Senate of North Carolina. And we join all of you in the unanimity of being behind our leader in the work that has to be done in this Senate Body for good government. And I would ask that these remarks be spread upon the Journal so that people know the Republicans have the intention of working together in this Body for the two-year term ahead. Thank you, Mr. President."

The President appoints Senator Hoyle of Gaston County, Senator Lucas of Durham County, Senator Plexico of Henderson County, and Senator Speed of Franklin County to escort the President *Pro Tempore*-elect, Marc Basnight, to the Well of the Senate. Senator Hoyle of Gaston County addresses the Chair and presents the President *Pro Tempore*-elect, Marc Basnight.

The Chair directs the Sergeant-at-Arms to escort the wife of the President *Pro Tempore*-elect, Sandy Basnight, to the Well of the Senate where she joins Senator Basnight as he receives the prescribed oath of office. The Honorable Burley B. Mitchell, Jr., Chief Justice of the Supreme Court of the General Court of Justice of North Carolina, administers the prescribed oath of office.

The President recognizes Senator Marc Basnight, President *Pro Tempore*, who addresses the membership from the Well of the Senate and offers the following remarks:

"Thank you, thank you so very much. The wait outside the doors is long and questionable when you're there wondering why you haven't opened those up. Senator Cochrane, to you and the Republican members of this Body, and to the Democratic members, November 8th is over. We are one people, working for one goal and one mission, and our successes, we'll succeed together. With the contributions that you have made and those that you will be making in the future, I salute you, and thank you for the kind of person that you are, a great North Carolinian.

"To the Lieutenant Governor, and to Justice Mitchell, and our family of members of the Court, I thank you for being with us today; to my friends, and most especially, my wife, and my mom, and family back home, I thank you.

"Distinguished guests and all. It is a wonderful opportunity that beholds all who will seize upon that opportunity.

"It is an honor to be re-elected as the President of this Senate. Much has happened in the past that has made North Carolina a great place to live, but a great deal is before us.

"I sincerely hope that we can and will work bipartisanly in a spirit that led last year to the unanimous decisions in several Senate bills including our 1993 budget. I think we can, because I believe that the people in this chamber agree that we should do only what is best for the people of this great State of ours. In some instances that may mean a more effective and efficient government and in others it may simply mean less government intrusion.

"I believe that government should help people or get out of the way. Our job is to make sure that this balance between citizens and the government is maintained.

"Our people want a high quality of life and they richly deserve it and they expect the government to play a role in making it such a reality. Government has a responsibility to keep our streets safe, to provide opportunity for job growth, to educate our children properly. Government must also govern efficiently and effectively and responsibly.

"North Carolinians have every right to complain about their government. She traditionally always has. But, they also have the right to expect government to do some good things to make our State a better place to live.

"Our goal should be to drive North Carolina towards a better opportunity not just for her people today, but for those people of tomorrow.

"What happens in the next generation, in the next decade, is dictated by what we do today, just as what we do today is directed by the actions of those who came before us. Over the years our Constitution has been our roadmap and our compass, our direction, our light, our beacon. But we know that times change and needs change, as well.

"It is good to consider Constitutional changes that will make our government more efficient and more effective, and certainly, more accountable, for great reason. Senate proposals on veto, governance, the Homestead Exemption, alternative punishments, and victim's rights certainly meet that standard today.

"Senator Cooper, if the House and Senate can't muster three–fifths of our members to pass the spending bill, the document is probably of very dubious value. Every four years citizens from across this great State elect their leader, the Governor. The people expect the Governor to carry out the agenda laid out so carefully in the campaign, but he is granted few tools to influence the legislative process.

"I think the Governor should have the authority to say 'no' to the General Assembly and be accountable to the people for his actions. We are the only State in the Union, we all realize that, that doesn't grant the Governor the veto power. During the budget process, as many of you have seen and witnessed, and I being one, both Democrat and Republican Governors have had to await their time or their opportunity to be involved in the budget process across the street, just for an opportunity to advance their agenda. That person elected by all the people of this great State of ours.

"The current Governor supports veto power, the last Governor supported it, and all before him that we know of. The Senate has passed the Amendment before. I want the people to simply have a chance to decide the issue at the ballot box this year.

"Another bill that the Senate passed last year was Governance for Public Education. This is also an issue of accountability. There is a crisis in education in North Carolina and it has resulted in a circle of educators and politicians such as ourselves all pointing the blame at each other when they really should be pointing the blames—where—at ourselves.

"We must establish clear lines of authority and we will endeavor to do so both through statute and the Constitutional Amendment. The *North Carolina Constitution* originally preserved the State Board of Education, appointed by the Governor, as the leader in education and the elected Superintendent of Public Instruction as its Administrative Officer.

"By making the Superintendent an appointed position we will take an important step in establishing accountability for our successes or failures in education.

Senate education proposals will make the Governor the clear education leader in North Carolina and will place authority in his hands and the hands of his appointees.

"These steps may appear to strengthen the Governor. They do. They both strengthen and provide more accountability for our government. The Governor, however, is not the only position that should be empowered.

"I recommend that we empower local government through a constitutional amendment. Local government is closest to the people and it is also the most restricted by all levels of government. Let's unshackle the local government in its opportunity to help senior citizens in their homes. The State Constitution restricts that local governments in many ways that may or may not be entirely beneficial to our citizens—and the Homestead Exemption Act is one example.

"When the General Assembly enacted the Homestead Exemption for the elderly it was intended to help our senior citizens with little personal wealth other than the homes that they live in. The exemption has helped some seniors hold onto their family homes today, but barely so.

"Our State is both large and diverse, as we all realize, from the mountains to the coast. Geographically it defines its differences as well. It's what helps create such tremendous beauty. Counties should be able to allow for disparities in real estate values by altering the homestead exemption to target their local population that needs a helping hand. The State Constitution denies that authority to local government today. We can change it, along with the people of this great State. Senator Cooper will propose that we change the Constitution and let the people decide.

"Another amendment to the Constitution, Senator Albertson's alternative punishments bill, is a step in the right direction and it will grant the appropriate authority to our judges. It is a disgrace that in North Carolina a criminal can say 'no' to a judge and demonstrate his own fate. Hard to believe, but it is true.

"The State Constitution is written so narrowly that a judge can sentence a criminal to tough probation standards and compensation to victims, and the criminal can opt for an active sentence, as we all realize and understand, instead of what is offered. After a few weeks lifting weights or studying or doing the many different things that people do in prison, the criminal is done. The options are over. He can walk the streets never worrying about paying back the victim or victim's family for the pain that the crime could have caused, and never worrying about complying with probation and community service.

"It is no wonder that in 1993 when Senator Albertson's bill that was proposed as a constitutional amendment to give total authority to the sentencing judge, it passed this Chamber unanimously. I firmly believe that when people commit crimes, they give up their right to determine their own future. It is our right as citizens to expect the criminal justice system to be effective and just. This amendment will mean that criminals are treated as criminals and their fate will be determined and decided by the courts.

"These days it too often seems that the only people with rights are the criminals. You feel it sometimes in your communities when you face the same one time in and time out. Their rights, it seems, are protected by the *United States Constitution*, as it rightfully should, and also the *North Carolina Constitution*. But, where are victim's rights protected today?

"A 1993 LRC report recommended that equal treatment for crime victims should be best accomplished through a victims' rights amendment to the State Constitution. Many of you have read that report. I'll repeat it again.

"'Adopting a constitutional amendment would grant permanence to victims' rights. An amendment would place victims' rights alongside the defendants' rights, adding credibility and stability,' to the criminal justice process.

"I hope you will join Senator Ed Warren and Senator Forrester and others who sponsored victims' rights amendments in the past and see to it that this amendment is on the ballot for the people to decide this year. If we aren't doing justice by the victim of a crime then we aren't doing justice at all.

"It is very important that the punishment fit the crime. You may recall that I mentioned that government should help people or get out of their way. When it comes to public safety, people expect government to help them and protect their families and their homes and their property. It is the very most basic duty of government to maintain order.

"As free citizens, we are entitled to walk our streets and relax in our homes in safety. It's rightful. When criminals take away my right and your right, and the right of my family and yours, to be safe in our streets, in our front yards, in our homes, we are no longer free.

"From the beginning of society, people have been wronged by others. Today's level of wrongdoing is too high for my tolerance, and I'm sure too high for your tolerance as well. Despite our efforts in prevention and punishment, North Carolina continues to be much, much too violent.

"Let us not forget, however, that the other side of criminal activity is job opportunity. We need to focus on both punishment and prevention. Punishment is the responsibility of the criminal justice system, but the best prevention program is a good job and a good education. No one can disagree with such.

"For those who choose the path of crime, their reward will be prison; for those who seek the path of opportunity, we should be prepared to reward them with good jobs and a good education. The promise of opportunity can steer a troubled youth away from crime and towards a much better and more productive life in society. Who are the winners? You and I, and all of North Carolina.

"Here again, government should help or get out of the way in such a process. Government can help people by maintaining our quality of life, protecting our abundant natural resources, and by providing the basics of business infrastructure.

"Beyond the basics, however, Senator Sherron, government should show restraint. I remember the old story where a farmer says to his neighbor, 'You know, that weather forecaster on the government radio station is always wrong.' 'Don't complain,' remarked the second farmer. 'Think about how bad it would be if the government started regulating the weather instead of just predicting it!'

"Rules and regulations should only be implemented when they are clearly drawn and clearly necessary for their purpose. There should be value in the regulation for the people of this great State. We should be careful to consider the costs and benefits of the rules our bureaucracy creates, and we need to outline clear authority to object and stop rules that do not meet our standards and our needs and hat will advance opportunity and good fortunes for people of North Carolina.

"We should also make certain that our tax burden is not a disincentive for recruiting new industry and encouraging current industry to expand. As you know, I see the intangibles tax as a significant disincentive.

"I firmly believe that a repeal of the intangibles tax will benefit all of our State. Eliminating this nuisance tax will result in more people calling North Carolina home, and paying taxes here, and more businesses coming our way. It's a pretty good deal, isn't it?

"To maintain local industry and seek to attract new jobs, the Senate will work responsibly to reduce the corporate income tax rate and bring it more in line with our competitor states. We find ourselves in the highest of the comparable charts in the Southeast. It has been cited by many as a red flag to industry looking to locate in North Carolina, and the Governor and several members of this Chamber have recommended that we scale it back. Let's be successful.

"As we consider incentives for industry recruitment and good jobs, I also believe that we must consider the needs of the working people in North Carolina, those who got up early this morning and put their boots on, their coats and ties, do the jobs of their responsibilities in North Carolina to make their families successful. Our tax system should encourage these families to stay together and reward people who work hard to put bread on the table.

"Keep in mind, that for every tax cut, we must identify to some extent, some reasonable extent, a cut in government and a cut in the budget itself. What's being proposed today is far greater in numbers than we have the ability to reduce from the budget without a cut itself. We should be seeking efficiencies and we must maintain our fiscal integrity. Where we have duplication in government, it should be purged from the system itself. Where we have mismanagement, it has to be removed. North Carolina has maintained its triple–A bond rating through responsible budgeting. The bond rating saves taxpayers monies every day, as you well know, in local government, those of you who have joined us today, because North Carolina can borrow at the lowest rates that are available in this country.

"Budgeting responsibly is a legacy that we owe our future generations of North Carolinians. The 'Rainy Day Fund' which we created in this Body not many years ago now stands at almost $300 million. Growing quickly in the next two or three years to $500 million. I think our goal should be double that level and establish a billion plus dollar savings account for North Carolina.

"A savings reserve will help allow North Carolina to keep the prisons operating in this State, our schools, public schools, in good repair and operating properly, roads repairs, and doing the things we hate to do, and that's to maintain our prisons. To keep us out of a very difficult time that can occur when a recession does come. Without the 'Rainy Day Fund,' you may find higher taxes are necessary to keep those essential services going. I support the 'rainy day' fund, as all of you do. It's a savings, because it is a taxpayer protection for today and for our children.

"As we talk about our future in concert with tax cuts and budget cuts, I admit that I am concerned, as many of you are. I would be excited about the prospect, if I thought North Carolina was where we want it to be. But you need look no further than public education to realize that North Carolina has a very long way to go.

"Education is a subject that has been one of the top priorities of government for as long as I, or anyone in this Chamber, have been in the Senate. It is an area where government must help and also at the same time, get out of the way. We must help, by providing an equal and adequate education for the children in North Carolina and we are not doing enough in that regard today. We must get out of

the way and spend less time testing children like guinea pigs and creating more time for teachers in the classroom.

"While many of the educational initiatives we have started in recent years are beginning to show some promise, none of us can be satisfied with the lack of progress our schools are making today.

"Two weeks ago, for instance, we learned that two–thirds of our high school students are performing below acceptable standards in their core classes. For the second year in a row our drop–out rates are climbing. After over a decade of investing in schools, in North Carolina, North Carolina remains next–to–last on the national SAT rankings.

"I, for one, am not willing to accept that our State's schools continue to languish near the bottom of the nation's educational rankings. I believe it is time for us to take bold steps and move North Carolina public education towards respectability.

"To do that, I am proposing that we focus our efforts and deal with basic problems in very common sense ways.

"The first thing we need to do is to clarify who is in charge of education, and with that, who is accountable if things aren't working. We aren't going to solve our education problems as long as everyone is accountable and at the same time no one is accountable.

"We have studied the school governance issue only to find that over the last two decades we have changed education governance and taken authority away from the State Board and granted more and more power to the bureaucracy. It hasn't worked and it isn't going to work. I propose that we put things back as they were and that we give the State Board the constitutional responsibility that was taken away from it. With Jay Robinson heading up the State Board, I have confidence that they are up to the job and are prepared to be held accountable.

"As all of you know, this Body has been willing to take up the issue of governance before, but we have focused our energies on constitutional changes which would take years before making an impact. What you are being asked to support today is a far simpler approach which would take effect immediately. I ask you to join me in restoring constitutional authority to the State Board and make it clear that the State Board is the body that will be held accountable for schooling in North Carolina.

"The second issue to be addressed is the proper role of state government in education. I propose that one of our first orders of business will be to take up a bill which will be introduced by Senator Perdue and a number of our colleagues. The bill would charge the State Board of Education to work immediately and come back to us no later than May, four months from now, with a plan that:

Clearly defines and reduces the role of the Department of Public Instruction—a plan that spells out the appropriate role of State government while empowering local communities to make the decisions they need to make for their schools and their children;

I also want the State Board to come back to us with a plan that would reduce the size of the Department of Public Instruction by fifty percent. Our GPAC study laid out a plan which could be a roadmap for the State Board and it hasn't even been followed. I would like the State Board to take the GPAC recommendations and use their very best judgments and come back to us with a plan that would result in savings of tax dollars, a clear focus for the department, and a more efficient organization.

"This bold approach will only work if we take up this bill immediately and pass it early in the Session. I am optimistic that this approach will be supported by our colleagues in the House; they publicly campaigned on a platform calling for a limit to the role of the State government and a return of power to our local communities. If both houses can cooperate on this proposed legislation, I am convinced the State Board can have a plan back to us before we adjourn this year. Then we can adjourn having redefined the role of government in education, reducing the role of government in education, reducing the size of State government and establishing clear authority, once and for all, and the accountability for education in North Carolina.

"Third, before this Session ends, I want us to have clearly stated what North Carolina wants from its schools. Since 1989, we have been holding schools accountable for over fifty things and we have added so many new tests that some think there is very little time left for teaching in the classroom.

"I am proposing that we take the advice being given us by the Standards and Accountabilities Commission and ask our schools to focus on the very basics—reading, writing, and mathematics. With that, I am asking you to support a proposal that would limit the number of things we ask schools to be accountable for, limit the number of tests we administer and make this clear statement to the schools and the public.

"When someone graduates from a North Carolina High School, they will be able to read well, they will be able to write clearly, and they will have a basic command of math. In short, they will be the kind of graduate that is prepared to succeed in my community and your community college or university, the kind of graduate you and I would want to have, would have the opportunity to employ, as well.

"Last, I share Governor Hunt's concern about safety in our schools. Senator Albertson, we can't have excellence coming out of our school doors if students are afraid to walk in them.

"Towards that end, I believe we need to act on proposals such as establishing alternative schools for chronically disruptive or dangerous students, Senator Ballance. School principals should have greater authority to help chronically destructive or disruptive or violent students and see that they are removed from the school room, but given an opportunity to succeed in another classroom setting. We need to find ways to deal with violent young people that will give parents the assurances that public schools are a safe place once again for their children.

"What I am asking you to support in this Session are basic proposals which I believe are the first steps toward making North Carolina the educational respectability that it so richly deserves. I need your support, as we need each other:

To take steps our schools must be the safest that we can make those,

To make it abundantly clear that the focus of North Carolina's schools is on giving our young people the strongest possible foundation in the basics again—reading, writing, and mathematics,

To take State government out of micro managing schools by defining and limiting the role of the State bureaucracy, Senator Plyler,

To save taxpayer's money by downsizing the educational bureaucracy,

To restore the constitutional authority of the State Board of Education and establish clear lines of accountability for our schools.

"That is ambitious, it is an agenda for our schools. It is an agenda that I believe this Body can accomplish and I call on each of you, Republican or Democrat, to make this agenda your priority for the 1995 Session of the General Assembly.

"In each of the issues I have outlined, I have tried to stress two points:

"First, government's mission should be to help people and provide a high quality opportunity of what life can give us all. We expect government to maintain public safety and provide education for our children.

"Second, where government is not helping people, it should step aside. Where government is not representing the people effectively it should change.

"Members of this Body, government is about you and I. Government is about people. That is why I serve in the General Assembly I'm sure that's why you serve here also. We are here to help people and protect them from government intrusion. We are here to help people and protect them as we rightfully should in their own public interest, from the outside forces that change our lives. As we cut government, we cut taxes, and cut regulations, we must be certain to consider the impact on the people. We should seek to make their lives better, not more difficult.

"I propose that we amend the State Constitution to make North Carolina more effective, more efficient, and more accountable.

"I propose that we do more to make our streets safe for honest citizens.

"I propose that we work hard to create and sustain high–quality jobs for North Carolinians.

"I propose that we change a failed education system, grant more local control of education, focus on filling our classrooms with success in learning the basics, and take fear out of the hallways of our schools. North Carolina needs to get back to the basics in education and in governing. We need to help people or get out of their way."

Courtesies of the floor are extended to former Senators present and to Thaddeus M. Wester, M.D., acting Physician for the Day.

The Chair extends a very special courtesy to Mrs. Dennis A. Wicker, wife of the Lieutenant Governor, and to Mrs. Burley B. Mitchell, Jr., wife of the Chief Justice of the Supreme Court of North Carolina.

ADOPTION OF RULES

Senator Rand submits **S.R. 1**, a Senate simple resolution adopting the permanent rules of the Senate for the Regular Sessions of the 1995 General Assembly of North Carolina, for adoption.

Senator Rand explains rewritten Rules 9, 32, 34, 40.1, 41, 41.1, 42, 42.1, 42.5, 43, 44, 46, 47, 56.1(b), 57, 57.1.

Senator Winner offers Amendment No. 1 which is adopted (45–2).

Senator Simpson offers Amendment No. 2 which fails of adoption (23–26).

Senator Simpson offers Amendment No. 3 which fails of adoption (23–26).

Senator Simpson offers Amendment No. 4 which fails of adoption (23–26).

Senator Simpson offers Amendment No. 5 which fails of adoption (23–26).

Senator Simpson offers Amendment No. 6 which fails of adoption (23–26).

Senator Simpson offers Amendment No. 7 which fails of adoption (23–26).

On motion of Senator Rand, the Senate simple resolution, as amended, is adopted (26–23).

The Chair orders the measure engrossed.

The text of the resolution, as amended, is as follows:

Be it resolved by the Senate:

Section 1. The permanent rules for the Regular Sessions of the Senate shall be as follows:

PERMANENT RULES OF
THE REGULAR SESSIONS OF THE SENATE
1995 GENERAL ASSEMBLY OF NORTH CAROLINA

I. Order of Business, Rules 1–7
II. Conduct of Debate, Rules 8–17
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I. Order of Business

RULE 1. **Rules controlling the Senate of North Carolina and its committees.**—The following rules shall govern and control all actions and procedures of the Senate and its committees.

RULE 2. **Convening hour.**—The Presiding Officer shall take the Chair at the hour fixed by the Senate upon adjournment on the preceding legislative day, and shall call the members to order. In case the Senate adjourned on the preceding legislative day without having fixed the hour of reconvening, the Senate shall reconvene on the next legislative day at 1:30 p.m., except that if the next legislative day is Monday, time for convening shall be 8:00 p.m.

RULE 3. **Opening the session.**—The Presiding Officer shall, upon order being obtained, have the sessions of the Senate opened with prayer.

RULE 4. **Convening and presiding in absence of President.**—In the absence of the President, the President *Pro Tempore* shall convene or reconvene the Senate and preside, and during such time shall be vested with all powers of the President except that of casting a vote in case of tie when he has already voted on the question as a Senator. In the event of the absence of the President and President *Pro Tempore* at any time fixed for the reconvening of the Senate, the Deputy President *Pro Tempore* of the Senate, the Principal Clerk of the Senate, or in his or her absence also, the Chairman of the Senate Committee on Rules and Operation of the Senate, shall call the Senate to order and designate some member to act as Presiding Officer.

RULE 5. **Quorum.**—(a) A quorum consists of a majority of all the qualified members of the Senate.

(b) When a lesser number than a quorum convenes, the Senators present may send the Sergeant–at–Arms or any person, for any or all absent Senators, as a majority of the Senators present determines.

RULE 6. **Approval of Journal.**—After the prayer, and upon appearance of a quorum, the Presiding Officer shall cause the Journal of the preceding day to be read and approved, unless the President *Pro Tempore* or, in his absence, the Deputy President *Pro Tempore* of the Senate or some member of the Senate by motion sustained by a majority of the members present, has the reading thereof dispensed with and the same approved as written.

RULE 7. **Order of business.**—After approval of the Journal, the order of business shall be as follows:

(1) Reports of standing committees.
(2) Reports of select committees.
(3) Introduction of bills, petitions, and resolutions.
(4) Messages from the House of Representatives.
(5) Unfinished business of preceding day.
(6) Special orders.
(7) General orders:
  (a) Local bills in numerical order, Senate bills first
    (i) Third reading roll call and electronic voting system votes
    (ii) Second reading roll call and electronic voting system votes
    (iii) Second reading *viva voce*
    (iv) Third reading *viva voce*
  (b) Public bills in numerical order, Senate bills first
    (i) Third reading roll call and electronic voting system votes
    (ii) Second reading roll call and electronic voting system votes
    (iii) Second reading *viva voce*
    (iv) Third reading *viva voce*

II. Conduct of Debate

RULE 8. **Presiding Officer to maintain order.**—The Presiding Officer shall have general direction of the Hall of the Senate and shall be authorized to take such action as is necessary to maintain order, and in case of any disturbance or disorderly conduct in the galleries or lobbies, he shall have the power to order those areas cleared.

RULE 9. **Substitution for Presiding Officer.**—The Presiding Officer, while in the Senate chamber, shall have the right to call on any member of the Senate to perform the duties of the Chair.

RULE 10. **Points of order.**—(a) The Presiding Officer shall preserve order and decorum and proceed with the business of the Senate according to the rules adopted. He shall decide all questions of order, subject to an appeal to the Senate by any member, on which appeal no member shall speak more than once unless by leave of the Senate. A two–thirds vote of the membership of the Senate

present and voting is necessary to sustain any appeal from the ruling of the Presiding Officer.

(b) In the event the Senate Rules do not provide for, or cover any point of order raised by any Senator, the rules of the United States House of Representatives shall govern.

(c) When a Senator is called to order he shall take his seat until the Presiding Officer determines whether he was in order or not; if decided to be out of order, he shall not proceed without the permission of the Senate; and every question of order shall be decided by the Presiding Officer, subject to an appeal to the Senate by any Senator; and if a Senator is called to order for words spoken, the words to which an exception is made shall be immediately taken down in writing by the Principal Clerk, so that the Presiding Officer or Senate may be better able to judge the matter.

RULE 11. **Debating and voting by Lieutenant Governor.**—The Lieutenant Governor, as President of the Senate, being a Constitutional Officer shall not have the right to debate any question or to address the Senate upon any proposition unless by permission of the majority of members present, and shall have the right to vote only when there is a tie vote upon any question or election.

RULE 12. **Obtaining recognition.**—(a) When any Senator is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat and respectfully address the Presiding Officer. No member shall speak further until recognized by the Presiding Officer. The Presiding Officer shall recognize the first to rise and, when two or more members rise at the same time, the Presiding Officer shall name the member to speak.

(b) A Senator who has the floor may yield the floor to another Senator only for the purpose of allowing another Senator to state a question. Only the Presiding Officer may award the floor to any Senator.

(c) A Senator who has obtained the floor may be interrupted only for the following reasons:

1. A request that the member speaking yield for a question,
2. A point of order, or
3. A parliamentary inquiry.

(d) When a Senator refers to a bill, the bill number and short title must be used.

RULE 13. (Reserved for future use).

RULE 14. **Limitations on individual debate.**—(a) No Senator shall speak on the same reading more than twice on the main question, nor longer than thirty minutes for the first speech and fifteen minutes for the second speech. No Senator shall speak on the same reading more than once on any motion or appeal, and then no longer than ten minutes.

(b) By permission of the Presiding Officer any member of the Senate may address the Senate from the well of the Senate.

RULE 15. **Questions of personal privilege.**—Upon recognition by the Presiding Officer for that purpose, any Senator may speak to a question of personal privilege for a time not exceeding three minutes. Personal privilege may not be used to explain a vote, debate a bill, or in any way disrupt the regular business of

the Senate. Personal privilege shall not be used to solicit support or sponsors for any bill. The Presiding Officer shall determine if the question raised is one of privilege and shall, without the point of order being raised, enforce this rule.

RULE 16. (Reserved for future use).

RULE 17. **General decorum.**—(a) Male Senators and male visitors shall uncover their heads upon entering the Senate Chamber while the Senate is in session and shall continue uncovered during their continuance in the Chamber, unless one's religion requires his head to be covered.

(b) No derogatory remark reflecting personally upon any Senator shall be in order upon the floor of the Senate unless preceded by a motion or resolution of censure.

(c) When the Presiding Officer is putting a question, or a division by counting is in progress, no Senator shall walk out of or across the Chamber, nor when a Senator is speaking, pass between him and the Presiding Officer.

(d) When a motion to adjourn or for recess is affirmatively determined, no member or officer shall leave his place until adjournment or recess is declared by the Presiding Officer.

(e) Smoking shall not be allowed in the galleries of the Senate during sessions.

(f) No remark soliciting the donation of funds for the support of any person or organization shall be in order upon the floor of the Senate, unless the remark has some relevance to a bill or resolution before the body. No article of any kind soliciting business or donations may be placed by any person anywhere in the Senate Chamber or in any Senate office.

(g) Food or beverage shall not be permitted in the Senate Chamber, either on the floor or in the galleries; however, after the Senate has remained in session for a period of one hour, food and beverage shall be allowed upon the floor of the Senate.

(h) Reading of newspapers, magazines, periodicals or books shall not be acceptable while the Senate is in session. This rule does not prohibit the use of quotations during debate or for personal privilege.

III. Motions

RULE 18. **Motions generally.**—Any motion shall be reduced to writing, if requested by the Presiding Officer or a Senator, and read by the Presiding Officer or Reading Clerk before the same is debated. Any motion may be withdrawn by the introducer at any time before decision or amendment. No motion relating to a bill shall be in order which does not identify the bill by its number and short title. Except as otherwise specifically provided in these rules, no second is required.

RULE 19. **Motion; order of precedence.**—When a question is before the Senate no motion shall be received except those herein specified, which motions shall have precedence as follows:

(1) To adjourn.
(2) To lay on the table.
(3) For the previous question.
(4) To postpone indefinitely.

(5) To postpone to a certain day.
(6) To commit to a standing committee.
(7) To commit to a select committee.
(8) To amend.

RULE 20. **Motions requiring a second.**—The motions to adjourn, to lay on the table, and to call for the previous question, shall be seconded and decided without debate.

RULE 21. **Motions to postpone to certain day and to commit.**—The respective motions to postpone to a certain day, or to commit to a standing or select committee, shall preclude debate on the main question.

RULE 22. **Motion to substitute.**—Subject to Rule 19, a member may offer a motion to substitute to any motion, except the motions for the previous question, to table, or to adjourn. No motion to substitute shall be offered to a motion to substitute.

RULE 23. **Motion for previous question.**—The previous question shall be as follows: 'Shall the main question be now put?' and until it is decided shall preclude all amendments and debate. If this question is decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall be taken upon such amendments in their inverse order, without further debate or amendment. No one shall move the previous question except the chairman of the committee submitting the report on the bill or other matter under consideration, or the member introducing the bill or other matter under consideration, or the member in charge of the measure, who shall be designated by the chairman of the committee reporting the same to the Senate at the time the bill or other matter under consideration is reported to the Senate or taken up for consideration.

RULE 24. **Motion to reconsider.**—(a) When a question has been once put and decided, any Senator who voted in the majority may move to reconsider the vote thereof. No motion for the reconsideration of any vote shall be in order after the bill, resolution, or other matter upon which the vote was taken has gone out of the possession of the Senate. No motion for reconsideration shall be in order unless made on the same day or in the next following legislative day on which the vote took place. When the next legislative day has by motion of the Senate been restricted as to matters which may be considered, a motion to reconsider shall be in order on the next succeeding day upon which regular business is conducted. No question shall be reconsidered more than once.

(b) Notwithstanding subsection (a) of this rule, a motion to reconsider is in order at any time if made by the Chairman or, in his absence, the Vice–Chairman of the Committee on Rules and Operation of the Senate for the sole purpose of correcting grammatical errors in bills in the possession of the Senate.

IV. Voting

RULE 25. **Use of electronic voting system.**—(a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

(1) All questions on which the Constitution of North Carolina requires that the ayes and noes be taken and recorded on the Journal;
(2) All questions on which a call for the ayes and noes under Rule 26(b) has been sustained; and
(3) Second and third readings of bills proposing amendment of the Constitution of North Carolina.

(b) Votes on the following questions shall be taken on the electronic voting system, and the resulting totals shall be recorded on the Journal:
(1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading, and all conference reports on public bills.
(2) Any other question upon direction of the Presiding Officer or upon motion of any Senator supported by one–fifth of the Senators present.

(c) When the electronic voting system is used, the Presiding Officer shall fix and announce the time, not to exceed one minute, which shall be allowed for voting on the question before the Senate. The system shall be set to lock automatically and to record the vote when that time has expired. Once the system has locked and recorded a vote, the vote shall be printed by the system.

(d) The voting station at each Senator's desk in the Chamber shall be used only by the Senator to which the station is assigned. Under no circumstances shall any other person vote at a Senator's station. It is a breach of the ethical obligation of a Senator either to request that another vote at the requesting Senator's station, or to vote at another Senator's station. The Presiding Officer shall enforce this rule without exception.

(e) When the electronic voting system is used, the Presiding Officer shall state the question and shall then state substantially the following: 'All in favor vote "aye"; all opposed vote "no";____ seconds will be allowed for voting on this question; the Clerk will record the vote.' After the machine locks and records the vote, the Presiding Officer shall announce the vote and declare the result.

(f) One copy of the machine print–out of the vote record shall be filed in the office of the Principal Clerk, and one copy shall be filed in the Legislative Library where it shall be open to public inspection.

(g) When the Presiding Officer ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic system, he shall announce that fact to the Senate and any partial electronic system voting record shall be voided. In such a case, if the Constitution of North Carolina or the Rules of the Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All other votes shall be taken as prescribed in Senate Rule 26. If, after a vote is taken on the electronic system, it is discovered that a malfunction caused an error in the electronic system print–out, the Presiding Officer shall direct the Reading Clerk and the Principal Clerk to verify and correct the print–out record and so advise the Senate.

(h) For the purpose of identifying motions on which the vote is taken on the electronic system (the identification codes having no relation to the order of precedence of motions), the motions are coded as follows:

1. To lay on the table.
2. For the previous question.
3. To postpone indefinitely.

4. To postpone to a day certain.
5. To refer to a committee.
6. To reconsider.
7. To adopt.
8. To concur.
9. To take from the table.
10. Miscellaneous.

RULE 26. **Voice votes; call for ayes and noes.**—(a) When the electronic voting system is not used, all votes on which a call of the roll of the Senate is not required shall be taken by voice vote. The question shall be put as follows: 'Those in favor say "aye",' and, after the affirmative vote is expressed, 'Opposed "no"'; after which the Presiding Officer shall announce the result. If a division on any vote is desired, it must be called for immediately before the result of the voting is announced on any question, and upon such call, the Presiding Officer shall require the members to stand and be counted for and against the proposition under consideration.

(b) The ayes and the noes may be called for on any question before the vote is taken. If a Senator desires the ayes and noes recorded on the Journal on a question, he shall address the Presiding Officer and obtain recognition and say, 'Upon that question I call for the ayes and noes.' Whereupon the Presiding Officer shall say, 'Is the call sustained?' If one–fifth of the remaining Senators present then stand, the vote shall be taken on the electronic voting system if it is operative, and the ayes and noes shall be recorded on the Journal. If the electronic voting system is inoperative, the roll of the Senate shall be called and the ayes and noes taken manually and recorded on the Journal. If fewer than one–fifth of the Senators present stand to sustain the call, the Presiding Officer shall announce, 'An insufficient number up' and a vote by electronic voting or by voice, whichever is appropriate under the Rules of the Senate, shall be taken.

RULE 27. **Pairs.**—(a) If a Senator is paired with another Senator on a question, the Senator shall announce the pair as follows: 'Mr. President, I desire to announce a pair. If Senator _____ were present, he would vote _____; I would vote _____ (the opposite).' The Senator shall send forward at that time a written statement of the pair on a form provided by the Principal Clerk and neither member of the pair shall vote on the question. A pair shall be announced before the vote is taken *viva voce*, or if the electronic voting system is used, before the machine is unlocked. The Clerk shall record the pair on the Journal when the Constitution or Rules of the Senate require a call of the roll and shall record on the electronic system print–out all pairs announced.

(b) This rule does not apply to committee or subcommittee proceedings.

RULE 28. **Dividing question.**—If any question contains several distinct propositions, it shall be divided by the Presiding Officer, at the request of any Senator, provided each subdivision, if left to itself, forms a substantive proposition.

RULE 29. **Duty to vote; excuses.**—(a) Every Senator who is within the Senate Chamber when the question is stated by the Presiding Officer shall vote thereon unless he is excused by the Senate.

(b) A Senator who is a member of a committee shall, upon request, be excused from deliberations and voting on the bill while it is before the committee. The Senator must make the request to the chair of the committee when the bill is first taken up for consideration and before any motion or vote on the bill or any amendment to the bill. The Senator making the request for excuse in Committee must renew his request for excuse on the floor of the Senate as set forth in this rule.

(c) Any Senator may move to be excused at any time, from voting on any matter. The Senator may make a brief statement of the reasons for the motion which question shall be taken without debate on the motion.

(d) The Senator may send forward to the Principal Clerk, on a form provided by the Clerk, a concise statement of the reason for the motion, and the Clerk shall include this statement in the Journal.

(e) The Senator so excused shall not debate the bill or any amendment to the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any motion concerning the bill at that reading, any subsequent reading, or any subsequent consideration of the bill.

(f) A Senator may move that his excuse from deliberations on a particular bill be withdrawn, which question shall be determined without debate.

(g) A motion to be excused or for the withdrawal of an excuse shall be taken without debate.

RULE 30. **Explanation of vote.**—Any Senator may explain his vote on any bill by obtaining permission of the Presiding Officer after the final vote is taken. No more than three minutes shall be consumed in such explanation.

V. Committees

RULE 31. **Appointment of committees.**—(a) The President *Pro Tempore* of the Senate shall have the exclusive right and authority to appoint the majority party's membership of all committees, regular and select, and to appoint committee chairmen and vice-chairmen and to establish select committees, but this does not exclude the right of the Senate by resolution to establish select committees. The minority leader shall have the exclusive right and authority to appoint all minority party's members of said committees and appoint the ranking minority member. Upon the recommendation of the committee on Rules and Operation of the Senate, the Senate may authorize by majority vote of the Senators present and voting a change in the number of standing committees.

(b) The President *Pro Tempore* and Minority Leader shall designate their party's members to all standing committees at the beginning of the session.

RULE 32. **List of standing/select committees.**—The standing committees shall be:

Agriculture/Environment/Natural Resources
Appropriations
- Appropriations on Department of Transportation
- Appropriations on Education/Higher Education
- Appropriations on General Government
- Appropriations on Human Resources
- Appropriations on Justice and Public Safety
- Appropriations on Natural and Economic Resources

Base Budget
Children & Human Resources
Commerce
Education/Higher Education
Finance
Judiciary I/Constitution
Judiciary II/Election Laws
Local Government & Regional Affairs
Pensions & Retirement/Insurance/State Personnel
Rules and Operation of the Senate
Transportation
Ways & Means.

RULE 33. **Notice of committee meetings.**—(a) Public notice of all committee meetings shall be given in the Senate. The required notice may be waived as to any meeting by the attendance at that meeting of all of the members of the committee, or by personal waiver.

(b) The chairman of the committee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the committee as to the date, time and place of that meeting.

(c) The published calendar shall reflect those committee notices received in the Office of the Principal Clerk prior to 3:30 p.m. or as announced in the daily session.

RULE 34. **Membership of committees; quorum.**—(a) Membership on standing committees shall consist of not more than 20 nor less than 5 Senators, including the chairman and vice–chairmen and ranking minority member; provided that the Appropriations Committee and Finance Committee shall not be limited as to membership. The President *Pro Tempore* shall have the exclusive right and authority to determine the total number of members and the number of members of each political party of each committee. No Senator shall hold membership on more than 12 standing committees unless the Committee on Rules and Operation of the Senate provides otherwise.

A quorum of the Appropriations, Ways and Means, and Finance Committees shall consist of a majority of the committee. A quorum of any other committee shall consist of either the chairman and 5 members or a majority of the committee, whichever is fewer.

(b) The President *Pro Tempore* may serve as an *ex officio* member of each Senate committee and subcommittee.

RULE 35. **Roll call vote in committee.**—No roll call vote may be taken in any committee. The committee chairman may vote in committee.

RULE 36. **Standing committee and standing subcommittee meetings.**—No standing committee or standing subcommittee shall hold a secret meeting. All meetings of standing committees and standing subcommittees shall be open to the public, except as provided in G.S. 143–318.14A(e). In no event shall final action be taken by any standing committee or standing subcommittee except in open session.

RULE 36.1. **Committee minutes to Legislative Library.**—The chairman of a committee shall insure that written minutes are compiled for each of the committee's meetings. The minutes shall indicate the number of members present and the actions taken by the committee at the meeting. Not later than 30 days after the adjournment of each session of the General Assembly, the chairman shall deliver the minutes to the Legislative Library. The President *Pro Tempore* of the Senate may grant a reasonable extension of time for filing said minutes upon application of the committee chairman.

RULE 37. (Reserved for interim operations rule).

VI. Handling Bills

RULE 38. **Application of rules.**—All provisions of these rules applying to bills shall apply also to resolutions, memorials and petitions.

RULE 39. **Form and copies of bills.**—(a) Unless variation is authorized by the Committee on Rules and Operation of the Senate, bills submitted for introduction shall be in a computer-typed form prepared by the Legislative Services Office. When a bill which is introduced is not in the prescribed form, the Principal Clerk shall cause the bill to be retyped in the prescribed form, and the retyped copy shall become the official copy of the bill for all purposes. The original bill shall then be returned to the introducer of the bill and shall not become a part of the records or documents of the Senate.

(b) Whenever a bill is introduced, 25 copies shall be submitted to the Principal Clerk. Any bill submitted without the required number of copies shall be immediately returned to the introducer.

RULE 39.1. **Public and local bills; availability of copies of bills.**—A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon objection by a member, no local bill may be considered unless copies of the bill have been made available to the entire membership of the Senate.

RULE 40. **Introduction of bills.**—(a) Every bill filed for introduction shall contain on the outside cover the title of the document and the name of the Senator or Senators presenting it. Bills shall be delivered by the primary sponsor of the document or with the prescribed authorization form signed by the primary sponsor to the office of the Senate Principal Clerk who shall receive them during regular session according to the following schedule:

Monday until 8:30 o'clock p.m.;
Tuesday, Wednesday, and Thursday until
3:00 o'clock p.m.;
Friday until 2:00 o'clock p.m.

All bills shall be numbered by the Office of the Principal Clerk when filed and shall be considered introduced when presented to the Senate on the next following legislative day for the first reading.

(b) All memorializing, celebration, commendation, and commemoration resolutions, except those which solely honor the memory of deceased persons or a North Carolina institution, or both, shall be excluded from introduction and consideration in the Senate.

RULE 40.1. **Deadlines on filing for introduction of bills and resolutions.** (a) All local bills and resolutions must be filed for introduction not later than Wednesday, April 5, 1995; provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 3:00 p.m. on that day and filed for introduction in the Senate before 3:00 p.m. on Wednesday, April 12, 1995, shall be treated as if it had been filed for introduction under this rule.

(b) All public bills and resolutions, except those honoring the memory of deceased persons or adjourning the General Assembly, must be filed for introduction not later than Wednesday, April 26, 1995; provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 3:00 p.m. on that day and filed for introduction in the Senate before 3:00 p.m. on Wednesday, May 3, 1995, shall be treated as if it had been filed for introduction under this rule.

(c) A two-thirds vote of the membership of the Senate present and voting shall be required to file for introduction any bill or resolution after the dates established by this rule.

(d) This rule shall not apply to any appropriations, finance or local bills filed in reconvened session following the adjournment of the first year of the biennial session.

RULE 41. **Crossover bill deadline.**—In order to be eligible for consideration by the Senate during the 1995 or 1996 Regular Sessions of the 1995 General Assembly, all House Bills other than those required to be referred to the Committee on Finance by Rule 42, appropriations bills or adjournment resolutions must be received and read on the floor of the Senate as a message from the House no later than May 11, 1995; provided that a message from the House received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this rule and provided that the House accepts Senate bills ordered engrossed on the next legislative day.

RULE 41.1. **Relationship between Ways and Means Committee and other committees dealing with money matters; relationship between these other committees dealing with money matters.**—In those instances specified herein, the Committee on Ways and Means shall have responsibility for final consideration of bills dealing with money matters before the bills are considered on the floor of the Senate. Upon the agreement of a chairman of any two of the following committees: Appropriations, Finance, and Ways and Means, any bill which is reported favorably from the Committee on Appropriations, or the Committee on Finance shall be re-referred by the Presiding Officer to the Committee on Ways and Means for consideration. Bills referred to the Committee on Appropriations pursuant to Rule 43 may be referred by the Chairman of the Committee on Appropriations to the Appropriations Committee on the Department of Transportation, the Appropriations Committee on Education, the Appropriations Committee on General Government, the Appropriations Committee on Human Resources, the Appropriations Committee on Justice and Public Safety, or the Appropriations Committee on Natural and Economic Resources for a report back to the Committee on Appropriations.

RULE 42. **Reference of appropriation and finance bills.**—(a) All bills introduced in the Senate providing for appropriations from the State, or any subdivision thereof shall, before being considered by the Senate, be referred to the Committee on Appropriations, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Appropriations Committee before proper action may be taken by the Senate.

(b) All bills introduced in the Senate providing for bond issues, imposing or raising fees or other revenues payable to the State, its agencies, its licensing boards, or any of its subdivisions, levying taxes, or in any manner affecting the taxing power of the State or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Finance, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Finance Committee before proper action may be taken by the Senate.

(c) This rule shall not apply to bills imposing civil penalties, criminal fines, forfeitures, or penalties for infractions.

RULE 42.1. **Fiscal notes.**—(a) A chairman of the Appropriations Committee, or of the Finance Committee, or of the Rules and Operations of The Senate Committee, or of the Ways and Means Committee, upon the floor of the Senate, may request that a fiscal analysis be made of a bill, resolution, or an amendment to a bill or resolution which is in the possession of the Senate and that a fiscal note be attached to the measure, when in the opinion of that chairman the fiscal effects of that measure are not apparent from the language of the measure. No bill for which a fiscal note has been requested may be considered for passage prior to the fiscal note being attached to the bill.

(b) The fiscal note shall be filed and attached to the bill or amendment within two legislative days of the request. If it is impossible to prepare a fiscal note within two legislative days, the Director of Fiscal Research shall, in writing, so advise the Presiding Officer, the Principal Clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note will be ready.

(c) The fiscal note shall be prepared by the Fiscal Research Division on a form approved by the Chairman of the Rules and Operation of The Senate Committee as to content and form and signed by the staff member or members preparing it. If no estimate in dollars is possible, the fiscal note shall indicate the reasons that no estimate is provided. The fiscal note shall not comment on the merit but may identify technical problems. The Fiscal Research Division shall make the fiscal note available to the membership of the Senate.

(d) A sponsor of a bill or amendment may deliver a copy of his bill or amendment to the Fiscal Research Division for the preparation of a fiscal note. The sponsor shall attach the fiscal note to the bill when he files the bill or to the amendment when he moves its adoption.

(e) The sponsor of a bill or amendment to which a fiscal note is attached who objects to the estimates and information provided may reduce to writing his objections. These objections shall be appended to the fiscal note attached to the bill or amendment and to the copies of the fiscal note available to the membership.

(f) Subsection (a) of this rule shall not apply to the current operations appropriations bill or the capital improvements appropriations bill. This rule shall not apply to a bill or amendment requiring an actuarial note under these rules.

RULE 42.2. **Actuarial notes.**—(a) Every bill or resolution proposing any change in the law relative to any

1. State, municipal or other retirement system funded in whole or in part out of public funds; or
2. Program of hospital, medical, disability or related benefits provided for teachers and State employees, funded in whole or in part by State funds,

shall have attached to it at the time of its consideration by any committee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any committee, shall be separate therefrom, and shall be clearly designated as an actuarial note. Upon its introduction, a bill described in subsection (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with his request for an actuarial note, to the Fiscal Research Division which shall prepare the actuarial note as promptly as possible but not later than two weeks after the request is made. Actuarial notes shall be prepared in the order of receipt of request and shall be transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division shall be prepared and signed by an actuary.

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the chief administrative officer of the retirement or pension system affected by the measure. The chief administrative officer shall have an actuarial note prepared by the system's actuary on the measure and shall transmit the note to the sponsor of the measure not later than two weeks after the request is received. The actuarial note shall be attached to the jacket of the measure.

(d) The note shall be factual and shall, if possible, provide a reliable estimate of both the immediate effect and, if determinable, the long range fiscal and actuarial effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the actuarial note with regard to the merits of the measure for which the note is prepared. Technical and mechanical defects in the measure may be noted.

(e) When any committee reports a measure to which an actuarial note is attached at the time of committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement or pension system, the chairman of the committee reporting the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. An amendment to any bill or resolution shall not be in order if the amendment affects the costs to or the revenues of a State–administered retirement or pension system, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

(f) The Fiscal Research Division shall make all relevant actuarial notes available to the membership of the Senate.

RULE 42.3. **Assessment reports.**—Every legislative proposal introduced in the Senate proposing the establishment of an occupational or professional licensing board or a study for the need to establish such a board shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the Senate or by any committee of the Senate prior to a favorable report, an assessment report from the Legislative Committee on New Licensing Boards, pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board.

Upon receipt of the request the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days. A supplementary report shall be prepared and submitted to the requesting Senator not later than 30 days after the receipt of the request.

RULE 42.3A. **Proposed increases in incarceration.**—(a) Every bill and resolution proposing any change in the law that could cause a net increase in the length of time for which persons are incarcerated or the number of persons incarcerated, whether by increasing penalties for violating existing laws, by criminalizing behavior, or by any other means, shall have attached to it at the time of its consideration by the Senate a fiscal note prepared by the Fiscal Research Division. The fiscal note shall be prepared in consultation with the Sentencing Policy and Advisory Commission and shall identify and estimate, for the first five fiscal years the proposed change would be in effect, all costs of the proposed net increase in incarceration, including capital outlay costs if the legislation would require increased cell space. If, after careful investigation, the Fiscal Research Division determines that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared. However, technical and mechanical defects may be noted.

(b) The sponsor of each bill or resolution to which this subsection applies shall present a copy of the bill or resolution with the request for a fiscal note to the Fiscal Research Division. Upon receipt of the request and the copy of the bill or resolution, the Fiscal Research Division shall prepare the fiscal note as promptly as possible. The Fiscal Research Division shall prepare the fiscal note and transmit it to the sponsor within two weeks after the request is made, unless the sponsor agrees to an extension of time.

(c) This fiscal note shall be attached to the original of each proposed bill or resolution that is reported favorably by any committee, but shall be separate from the bill or resolution and shall be clearly designated as a fiscal note. A fiscal note attached to a bill or resolution pursuant to this subsection is not a part of the bill or resolution and is not an expression of legislative intent proposed by the bill or resolution.

(d) If a committee reports favorably a proposed bill or resolution with an amendment that proposes a change in the law that could cause a net increase in the length of time for which persons are incarcerated or the number of persons

incarcerated, whether by increasing penalties for violating existing laws, by criminalizing behavior, or by any other means, the chair of the committee shall obtain from the Fiscal Research Division and attach to the amended bill or resolution a fiscal note as provided in this section.

RULE 42.3B. **Local legislation affecting the State Highway System.**—A local bill affecting the State Highway System shall be referred to the Committee on Transportation.

RULE 42.4. **Content of appropriations bills.**—(a) No provision changing existing law shall be contained in any of the following bills: (1) the Current Operations Appropriations Bill; (2) the Capital Improvement Appropriations Bill; (3) any bill generally revising appropriations for the second fiscal year of a biennium.

(b) No amendment to any bill listed in subsection (a) of this rule shall be in order if the language is prohibited by that subsection.

(c) Notwithstanding subsections (a) and (b) of this section, any of the bills listed in subsection (a) of this section or an amendment to such bill may change existing law if the change:

(1) Alters expenditures or salaries;

(2) Changes the scope or character of a program which must be reduced, increased, or changed because of an increase or decrease of funds appropriated for the program or because of changes in federal law or regulation; or

(3) Modifies any function of State government which necessitates a transfer of funds from one department to another;

provided, that for a provision to be in order under this subsection, it must be recommended to the General Assembly in a written report adopted by the Appropriations Committee before or at the same time the bill is reported, or if such provision is contained in a floor amendment, the sponsor of the amendment must present to the Principal Clerk at or before the time the amendment is offered an explanation of the amendment for distribution to each member of the Senate.

RULE 42.5. **Appropriations Committee meetings.**—Notwithstanding the provisions of G.S. 143–14, and pursuant to the last sentence thereof, the Appropriations Chairman may in his or her sole discretion direct that the Appropriations Committee or its subcommittees or both may consider the budget and the budget plan including all appropriations in separate meetings from the House of Representatives and may do all things set forth in said Statute separately from the House of Representatives.

RULE 43. **First reading; reference to committee.**—All bills filed for introduction and all House bills received in the office of the Principal Clerk not later than one and one–half hours preceding the convening of the Senate, upon presentation to the Senate, shall be read in regular order of business by their number and title which shall constitute the first reading of the bill. The Chairman of the Committee on Rules and Operations of the Senate or, in his absence, the Vice–Chairman of the Committee shall refer to a Senate committee all bills introduced in the Senate or received from the House of Representatives. Upon the referral being made, the Chairman of the Committee on Rules and Operations

of the Senate shall notify the Principal Clerk of the Senate of the referral, and the Reading Clerk shall announce the referral of the bill. The Principal Clerk shall inform the Presiding Officer of the referral. The title and referral shall be entered upon the Journal.

Bills may be referred to more than one committee serially, i.e. 'S.B._____is referred to the Committee on Finance and upon a favorable report referred to the Appropriations Committee.'

RULE 44. **Bills to receive three readings.**—Every bill shall receive three readings before being passed, and the Presiding Officer shall give notice at each reading whether it be the first, second, or third. The Reading Clerk shall announce the referral as set forth in Rule 43. No bill shall be amended upon the floor of the Senate until it has been twice read. Senate simple resolutions shall not require three readings.

RULE 45. **Reports of committees.**—Every Senator presenting a report of a committee shall endorse the report with the name of the committee and, in case of a minority report, with the names of the members making the report. The report of the committee shall show that a quorum of the committee was present and a majority of those present voted in favor of the report. Every report of the committee upon a bill or resolution shall stand upon the general orders with the bill or resolution. No committee shall report a bill or resolution without prejudice.

RULE 45.1. **Action on amendment before re-referral.**—If any committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the Senate is sequentially referred to another committee, the amendment or committee substitute shall be considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

RULE 46. **Unfavorable report by committee.**—(a) All bills reported unfavorably by the committee to which they were referred, and having no minority report, shall lie upon the table, but may be taken from the table, and placed upon the calendar by a two-thirds vote of the membership of the Senate present and voting.

(b) When a bill is reported by a committee with an unfavorable report, but accompanied by a minority report, signed by at least three members of the committee who were present and who voted on the bill when the bill was considered in committee, then the minority report shall be placed on the calendar and considered the following day, and the question before the Senate shall be 'The adoption of the Minority Report.' If the minority report is adopted by a majority vote of the membership of the Senate, the bill shall be placed upon the calendar; if the minority report is not adopted, the bill shall lie upon the table.

RULE 47. **Recall of bill from committee.**—(a) When a bill has been introduced and referred to a committee, if after 10 days the committee has failed to report thereon, then the introducer of the bill may, after three days' public notice given in the Senate and delivered in writing to the chairman of the committee, on motion supported by a vote of two-thirds of the membership of the Senate present and voting, recall the bill from the committee to the floor of the Senate for consideration and such action thereon as a majority of the Senators present

may direct. This rule shall not be temporarily suspended except upon one day's notice on the motion given in the Senate and delivered in writing to the chairman of the committee and to sustain that motion three–fifths of the membership of the Senate shall be required.

(b) Notwithstanding anything to the contrary, the chairman of a committee to which a bill or other matter is assigned may, with the consent of two–thirds of the membership of the Senate present and voting, recall the measure to be referred to another committee or the floor.

RULE 48. **Calendar; order to be followed.**—The Presiding Officer and the Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in which they stand upon the calendar, unless otherwise ordered as hereinafter provided. The published calendar shall include all bills reported favorably from committees, or reported with a minority report attached, or placed on the calendar on motion: Provided, that the published local calendar may carry the number of each bill, the county or counties referred to, and an abbreviated statement of the title of the bill.

RULE 49. **(Reserved)**

RULE 50. **Third reading requirements.**—No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two–thirds of the membership of the Senate present and voting.

RULE 51. **Special orders.**—Any bill or other matter in consideration before the Senate may be made a special order for a subsequent day or hour by a vote of the majority of the Senators voting, and if action on the bill is not completed on that day, it shall be returned to its place on the calendar, unless it is made a special order for another day; and when a special order is under consideration it shall take precedence over any special order or subsequent order for the day, but such subsequent order may be taken up immediately after the previous special order has been disposed of.

RULE 52. **Procedure when necessary number of Senators not present.**—If, on taking the question on a bill, it appears that a constitutional quorum is not present, or if the bill requires a vote of a certain proportion of all the Senators to pass it, and it appears that such number is not present, the bill shall be again read and the question taken thereon; if the bill fails a second time for the want of the necessary number being present and voting, the bill shall not be finally lost, but shall be returned to the calendar in its proper order.

RULE 53. **Effect of defeated bill.**—(a) After a bill has been tabled, or has failed to pass on any of its readings, the contents of such bill or the principal provisions of its subject matter shall not be embodied in any other measure. Upon the point of order being raised and sustained by the Presiding Officer, such measure shall be laid upon the table, and shall not be taken therefrom except by a vote of two–thirds of the membership of the Senate present and voting: Provided, no local bill shall be held by the Presiding Officer as embodying the provisions, or

being identical with any statewide measure which has been laid upon the table or failed to pass any of its readings.

(b) When a bill has been postponed indefinitely by the Senate, the bill shall lie upon the table, and shall not be taken therefrom except by a vote of two–thirds of the membership of the Senate present and voting.

RULE 54. **Taking bill from table.**—No bill which has been laid upon the table shall be taken therefrom except by a vote of two–thirds of the membership of the Senate present and voting.

RULE 54.1. **Bill title.**—The title of each bill shall adequately and fairly reflect its subject matter.

RULE 55. **Amending titles of bills.**—When a bill is materially modified or the scope of its application extended or decreased, or if the county, or counties, to which it applies is changed, the title of the bill shall be changed by the Senator introducing the bill or by the committee having it in charge, or by the Principal Clerk, so as to indicate the full purport of the bill as amended and the county or counties to which it applies.

RULE 56. **Corrections of typographical errors in bills.**—The Enrolling Clerk is authorized to make corrections of typographical errors in the text of bills at any time prior to ratification. Before the correction is made, the Enrolling Clerk shall have the approval of the Chairman of the Committee on Rules and Operation of the Senate or, in his absence, the Vice–Chairman of said Committee.

RULE 56.1. **Amendments and committee substitutes adopted by the House to bills originating in the Senate.**—(a) Whenever the House has adopted an amendment or a committee substitute for a bill originating in the Senate, and has returned the bill to the Senate for concurrence in that amendment or committee substitute, the Senate may not concur in that amendment or committee substitute until the next legislative day following the day on which the Senate receives that measure.

(b) The Chairman of the Rules and Operation Committee of the Senate may, or upon motion supported by a majority of the Senate present and voting, shall refer the bill to an appropriate committee for consideration of the amendment or committee substitute.

(c) The Presiding Officer shall, in placing the bill on the calendar, rule whether the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution. If the measure is referred to committee, the committee shall:

i. Report the bill with the recommendation either that the Senate concur or that the Senate do not concur; and

ii. Advise the Presiding Officer as to whether or not the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution.

(d) If the amendment or committee substitute for a bill is not a material amendment, the question before the Senate shall be concurrence. In the event there is more than one House Amendment, the question shall be concurrence in all the House amendments and the question may not be divided, notwithstanding

Rule 28. The question which shall be put before the Senate by the Presiding Officer shall be: 'Does the Senate concur in the House amendments (Committee Substitute) to S.B. ?'.

(e) If the amendment or committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading and the question before the Senate shall be concurrence on second reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.

(f) No committee substitute adopted by the House to a bill originating in the Senate may be amended by the Senate.

RULE 57. **Conference committee.**—Whenever the Senate fails to concur in amendments or committee substitutes put by the House to a bill originating in the Senate, or whenever the House of Representatives fails to concur in amendments or committee substitutes put by the Senate to a bill originating in the House, a conference committee shall be appointed by the President *Pro Tempore* of the Senate or in his absence the Deputy President *Pro Tempore*, upon motion, and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the Senate and House of Representatives. Senate conferees shall not be less than three nor more than twelve and shall include the primary sponsor and the chairman of each committee which considered the bill. In considering matters in difference between the Senate and House committed to the conferees, only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. In conference committee, the Senate's position shall be determined by a majority of the Senate conferees. The conference report shall not be amended.

RULE 57.1. **Germaneness of amendment.**—All amendments and committee substitutes shall be germane to the original subject matter of the bill. The question of germaneness is in order at any time the measure is before the body prior to final action on the measure.

RULE 58. **Certification of passage of bills.**—The Principal Clerk shall certify the passage of bills by the Senate, with the date thereof, together with the fact whether passed by vote of three–fifths or two–thirds of the membership of the Senate present and voting, whenever such vote may be required by the Constitution or laws of the State.

RULE 59. **Transmittal of bills to House.**—No bill shall be sent from the Senate on the day of its passage except on the last day of the session, unless otherwise ordered by a vote of two–thirds of the membership of the Senate present and voting.

RULE 59.1. **Engrossment.**—Bills and resolutions, except those making appropriations, which originate in the Senate and which are amended shall be engrossed before being sent to the House.

VII. Legislative Officers and Employees

RULE 60. **Pages.**—(a) The President *Pro Tempore* of the Senate shall appoint pages. The President *Pro Tempore*, or such person as he may designate,

shall supervise the pages and assign to them their duties. Each page shall be at least 14 years of age.

(b) Members may designate honorary pages by a statement delivered to the Principal Clerk who will have a certificate issued therefor.

RULE 61. **Sergeants-at-Arms.**—(a) There shall be 15 positions of Assistant Sergeants-at-Arms to be appointed, upon the recommendation of the President *Pro Tempore*, by the Sergeant-at-Arms who are to work under his or her supervision and to be assigned such duties and powers as he or she shall direct.

(b) The Sergeant-at-Arms shall be responsible for the safety of the members and employees of the Senate while in the Senate Chamber, or any place in which the Senate or its committees are in session.

(c) The Sergeant-at-Arms shall serve all warrants and subpoenas issued by orders of the Senate and signed by the Presiding Officer of the Senate, and said warrants and subpoenas shall be returnable to the Principal Clerk of the Senate.

RULE 62. **Principal Clerk's staff.**—The Principal Clerk of the Senate shall employ all necessary employees and clerks required to carry out the duties of his or her office. The Principal Clerk shall have supervision and control, and shall assign such duties and powers as he or she shall direct to his or her employees and clerks.

RULE 63. **Committee clerks and secretaries.**—(a) Each committee shall have a clerk. The clerk to a committee shall serve as secretary to the chairman of that committee.

(b) Each member shall be assigned a secretary, unless he or she has a committee clerk to serve as his or her secretary.

(c) The selection of said clerk and/or secretary shall be the prerogative of the individual member. Such clerks and secretaries shall file initial applications for employment with the Supervisor of Clerks and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of clerks and secretaries shall comply with the period as established by the Legislative Services Commission unless employment for an extended period is approved by the President *Pro Tempore*. The clerks and secretaries shall adhere to such uniform regulations and other conditions of employment (including retention) under the direction of the Supervisor of Clerks as the Committee on Rules and Operation of the Senate shall adopt.

(d) The Supervisor of Clerks and any assistants shall be appointed by the President *Pro Tempore* of the Senate.

RULE 64. **Senate Journal.**—The Principal Clerk shall prepare and be responsible for the Journal. The President *Pro Tempore* or, in his absence, the Deputy President *Pro Tempore* shall examine the Journal to determine if the proceedings of the previous day have been correctly recorded.

RULE 65. **Deputy President *Pro Tempore*.**—The Senate shall elect a Deputy President *Pro Tempore*. The Deputy President *Pro Tempore* shall become the President *Pro Tempore* upon the death, resignation or removal from office of the President *Pro Tempore*.

VIII. General Rules

RULE 66. **President to sign papers.**—All acts, addresses and resolutions, and all warrants and subpoenas issued by order of the Senate shall be signed by the President or by the President *Pro Tempore* presiding in his absence.

RULE 67. **Admission to the floor of the Senate.**—No person except members of the Senate, members of the House of Representatives, staff of the General Assembly; staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by the Presiding Officer shall be admitted to the floor of the Senate during its session. Notwithstanding any other provision of these rules, no registered lobbyist shall be admitted to the floor of the Senate or Senate Chamber while the Senate is in session. When the Senate is not in daily session, the President *Pro Tempore* shall determine the privileges of the floor.

RULE 67A. **Restricted admission to the floor of the Senate prior to the daily session.**—No person, except members of the Senate; members of the House of Representatives; staff of the General Assembly; the staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by a member of the Senate or the Presiding Officer, shall be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session. Notwithstanding any other provision of this rule, no registered lobbyist shall be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session.

RULE 67.1. **Recognition for extending courtesies.**—(a) Courtesies of the floor and galleries shall be extended only by the Presiding Officer on his own motion or upon the written request of a member of the Senate to former members of the General Assembly or to distinguished visitors.

(b) The Presiding Officer, upon written request at intervals between various orders of business, may extend courtesies to schools or other special large groups visiting in the galleries while they are present, and the Presiding Officer shall, at such times as he deems appropriate, express to those visitors in the galleries the pleasure of the Senate for their presence.

RULE 68. **Privileges of the floor.**—Any group or individual other than members of the Senate who desires to make remarks upon the floor of the Senate will first obtain approval of the President *Pro Tempore* or, in his absence, the Deputy President *Pro Tempore* of the Senate.

RULE 69. **News media.**—The President is authorized to assign area and equipment on the floor of the Senate for the use of the representatives of news media; and the President shall provide regulations for the operation of the representatives of the news media on the floor of the Senate.

RULE 70. **Absence without leave.**—No Senator or officer of the Senate shall depart the service of the Senate without leave, or receive pay as a Senator or officer for the time he is absent without leave.

RULE 71. **Placing material on Senators' desks.**—Any person other than a member of the Senate desiring to place articles of any kind on or about desks in the Senate Chamber or in the offices of the members of the Senate shall make written application to, and obtain written approval from the Principal Clerk.

RULE 72. **Assignment of seats; offices.**—(a) The President *Pro Tempore* of the Senate shall assign seats in the Senate Chamber to the members elected. In making such assignments, each member elected to the immediate preceding session of the Senate shall be entitled to the seat occupied by him or to his selection of any other seat vacated. The President *Pro Tempore*, when assigning seats, shall give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate. No incumbent appointed to fill an unexpired term in the immediate preceding session shall retain the seat if requested by a Senator elected to said session.

(b) Not later than two weeks after the initial committee assignments become final, the President *Pro Tempore* of the Senate is authorized to make assignments of committee rooms and offices to designated committees, chairmen, and members of the Senate. In making such assignments of individual offices, the President *Pro Tempore* may give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate.

RULE 73. **Administrative rules and regulations involving Senate employees.**—All administrative rules, regulations and orders involving all individuals employed to perform duties for the Senate, other than those appointed by the Principal Clerk and the Sergeant-at-Arms, shall be first approved by the Committee on Rules and Operation of the Senate.

RULE 74. **Public hearings.**—Any Senator may request in writing a public hearing on a public bill. Requests may be granted in the discretion of the Chairman. Notice shall be given not less than five calendar days prior to public hearings. Such notices shall be issued as information for the press and the information shall be posted in the places designated by the Principal Clerk.

RULE 75. **Public hearings, filing of written statements.**—Persons desiring to appear and be heard at a public hearing are encouraged to file with the chairman of the committee a brief or a written statement of the remarks to be made at least 24 hours before the time of the hearing.

RULE 76. **Voting in joint sessions.**—When any Senate Committee sits jointly with the House Committee, the Senate Committee reserves the right to vote separately from the House Committee.

RULE 77. **Alterations, suspension or rescission of rules.**—(a) These rules may not be permanently rescinded or altered except by Senate simple resolution passed by a two-thirds vote of the membership of the Senate. The introducer of the resolution must, on the floor of the Senate, give notice of his intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the Senate, upon two-thirds vote of the membership of the Senate present and voting, may temporarily suspend any of these rules.

Sec. 2. This resolution is effective upon adoption.

ELECTION OF OFFICER ESTABLISHED BY RULES

Pursuant to Rule 65, the President declares the floor open to receive nominations for Deputy President *Pro Tempore* and recognizes Senator Parnell of Robeson, who offers the following remarks:

"Mr. President, President *Pro Tempore* Basnight, Members of this North Carolina Senate, and Members of the Judiciary who are still here, and friends and families who are still here, I'm honored to have been asked to bring to you the nomination for the next Deputy President *Pro Tempore* of the North Carolina Senate, the most distinguished Senator from Columbus County, Senator R. C. Soles. Senator Soles was born and grew up in the small town of Tabor City in Columbus County. He attended the public schools there, and upon graduation from high school, attended and graduated from Wake Forest University. He attended Law School at the University of North Carolina at Chapel Hill and upon receipt of his law degree, returned to his home town of Tabor City and established a very successful law practice.

"R. C. Soles has been elected to fourteen consecutive terms in the North Carolina General Assembly—four terms in the House of Representatives and ten terms as a Member of this Body. R. C. was elected to the House of Representatives in 1968 and was the youngest member of that Body at that time, and after serving four terms in the House, he was elected in 1976 to the North Carolina Senate. He has served with distinction in this Body, and during his tenure, he has served as chairman of some of its most important committees.

"In 1993, the Senate elected R. C. to serve as Deputy President *Pro Tempore*, succeeding one of North Carolina's great legislative leaders, the Honorable Kenneth Royall. R. C. Soles has proven to the members of this Body that he is eminently qualified for the office of Deputy President *Pro Tempore* of this Senate. He is a person of high intellect, great integrity, and strong loyalties, all of which are qualities so important for a position of trust. He will be a strong right arm of our President *Pro Tempore.* Senator Soles has done his job well, many times his duties being simply to serve as advisor to our great leader, Marc Basnight, on most occasions, on a one–on–one basis, without public recognition. He has done that on every occasion that he has been called upon.

"Mr. President, Members of this Senate, I know of no one that is more qualified or is held in higher regard in this Body than is R. C. Soles. And Mr. President and Members of the Senate, it is my very great honor and personal privilege to nominate the Honorable R. C. Soles for the position of Deputy President *Pro Tempore* of the North Carolina Senate, and I ask your support for his election to this most important position. Thank you, Mr. President."

The Chair recognizes Senator Perdue who offers the following remarks:

"Mr. President and Members of the Senate, it's my privilege this afternoon to rise to second the nomination of R. C. Soles as Deputy *Pro Tem* of the North Carolina Senate. R. C. is a very special man. He's quiet and thoughtful, I just found out that you are pretty mean in your committee, R. C. I remember you did that to me once. You're a leader who we often don't see out front receiving the accolades and the honors and the tributes. You're the kind of guy who gets things

done by setting a goal and being very thoughtful and methodical, putting your plan into place and then winning time after time. A very, very successful attorney, a community leader that everybody all over North Carolina knows, an outstanding and very successful business man. You are certainly a man that I have come to admire and to respect during my two terms in the Senate. But for all of us here in the Senate this afternoon, the reason that I believe we should have you as our Deputy *Pro Tem* is a simple one. You've got what I like to tell my two boys is really important in life. You've got that thing we know as character. You can take R. C. Soles' word to the bank. He'll walk the very last mile for you if you ask him to, and he'll live and die for North Carolina. I'm proud to second your nomination.

The Chair recognizes Senator Ballance who offers the following remarks:

"Mr. President, Senator R. C. Soles is well known by most of us in this Body. He is highly respected and I am not going to go back over the various accolades that have already been pointed out. I would simply call a few adjectives, words. He's a gentleman, and in 1995 that's a pretty big word to use. He's a scholar, a man of keen mind and deep intellect. Beyond that, R. C. Soles has what's lacking in a lot of people. He has compassion. He's a dedicated Democrat. And the last two words I'll use in describing this gentleman, one is the word, fairness; he believes deeply in that. And the other is the word, competent. I know a lot of lawyers in this great State. Senator Basnight, if I ever got in trouble again, I'd want to have R. C. Soles on my team. He's a good lawyer. He will, pursuant to Rule 65, he will be an outstanding, again, Deputy President *Pro Tempore* of this Senate Body, and I would urge and encourage your support of Senator Soles.

"And if I'm in order, Mr. President, I'd like to move at this time that the nominations be closed and that Senator Soles be elected by acclamation."

The Chair recognizes Senator Cochrane who offers the following remarks:

"Mr. President, I'd like to second that motion. As a matter of fact, an intention was on our part to move that he be accepted unanimously by this Body. Thank you."

The Chair declares Senator R. C. Soles, Jr. elected Deputy President *Pro Tempore* and appoints Senator Parnell of Robeson and Senator Perdue of Craven to escort the Deputy President *Pro Tempore*–elect to the Well of the Senate. Senator Parnell presents Senator Soles to the President. The Honorable D. Jack Hook, Jr., Senior Resident Judge of the Thirteenth Judicial District of the Superior Court Division of the General Court of Justice of North Carolina administers the prescribed oath of office.

The President recognizes Senator Soles who offers the following remarks:

"Thank you, very much. Mr. President, Mr. President *Pro Tempore*, Members of the Judiciary, Senators, distinguished guests, ladies and gentlemen. First, I want to express my most sincere appreciation to the ladies and gentlemen of the Senate who have given me this high honor to serve another term as the Deputy President *Pro Tempore* of the Senate. I want to thank Senator Parnell for nominating me, and Senators Ballance and Perdue for their kind remarks as they seconded the nomination. To Senators Parnell, Speed, Jordan and Simpson, my deep appreciation for honoring me by serving as my escort.

"I want to thank Judge Hooks, the Resident Superior Court Judge of the Thirteenth Judicial District, where I happened to practice law, for administering my oath of office. You know, as we go about our duties here in the capital city, we often come in contact with members of the judiciary, but it's always the Supreme Court and the Court of Appeals. Rarely do we see members of the trial branch; that is, the Superior Court or the District Court. By having both the appellate and the trial benches represented here today, we recognize the importance and the dedicated work which is performed by all of our judges and court personnel throughout North Carolina.

"To my legislative assistant, Ms. Janet Puryear, I wish to acknowledge and thank her twenty years of loyal service and dedicated friendship. You know times have changed. We've said that many times today, but as I stand here and look into the faces of the Members of the Senate, I see North Carolinians who have been selected by those who know them best to speak for them here in the North Carolina Senate. We have all the same goal, and that is to work together for what is in the best interest of North Carolina and all of her people. It is true that we may seek those goals along different roadways, or by different methods. But ultimately our joint goal is, and should be, what is in the best interest and what is for the well-being of our great State.

"Recently Senator Rand and I had an opportunity to attend the dedication ceremonies at Methodist College in Cumberland County for the Lura Tally Institute of Leadership Development which was established there. That was an exciting time, and it was exciting to hear about a four-year college program that is going to place emphasis on developing new leaders. Among the distinguished Senators, not as Senators, but among the distinguished leaders and citizens who were there and spoke at that dedication ceremony, was Mr. Roy Parker, who is the Editor Emeritus of the Federal Times, and he made a point which I feel is worthy of repeating here as we begin our duties of this, the first legislative day of this new Session. Mr. Parker said that we, as leaders, should grow rather than swell. As he said that, he looked at Senator Rand and me. I thought he was looking at Senator Rand, but he may have been looking at me, also. (Laughter) I think his message is one we should all seriously consider and remember as we work here in the General Assembly. Remember that we are recognized as leaders and that we should always strive to grow and to do what is right at all costs and to avoid swelling.

"I thank you again for the honor you have given me. I look forward to working with you. My office is always open. Please do not hesitate to call on me. Thank you very much."

ELECTION OF STATUTORY OFFICERS

Pursuant to G.S. 120.37, the President declares the floor open to receive nominations for the Office of Principal Clerk.

The President recognizes Senator Kerr of Wayne, who offers the following remarks:

"Thank you, Mr. President, Fellow Members of the Senate. It's a distinct honor for me to nominate for the Office of Principal Clerk, probably one of the more important offices that we've elected here, our friend, Sylvia Morris Fink. Ms. Fink

is a native of Charlotte, a graduate of Pfeiffer College. She served and held this Office in a fair manner for almost twenty years. She served under five Lieutenant Governors and five *Pro Tems* of this Body. She is a leader in her church, in her community, in her organization. She also knows the rules. She has a very, very excellent staff, and I commend this lady to you to serve again as Principal Clerk, Sylvia Fink."

The President recognizes Senator Lucas of Durham who seconds the nomination of Sylvia Morris Fink for Office of Principal Clerk and offers the following remarks:

"I rise to second the nomination of Ms. Sylvia Fink as Principal Clerk, and to make a motion."

"Someone asked what makes a person excellent in his or her job. Ms. Fink is not just good, she's not just average, but she's excellent. Many Americans say that they like to see the following C's in a person—character, compassion, caring, courage, and competence. Over the years, our Senate Chamber has been served by proven outstanding competence, a high level of knowledge and accuracy. So, Mr. President, at this time, if I'm in order, I move that the nominations be closed and that Ms. Sylvia Fink be elected by acclamation as our Principal Clerk."

The motion offered by Senator Lucas that the nominations be closed and that Sylvia Morris Fink be elected Principal Clerk of the 1995 Senate by acclamation prevails.

The President declares Sylvia Morris Fink duly elected and appoints Senator Conder of Richmond and Senator Cochrane of Davie to escort the Principal Clerk–elect of the 1995 Senate to the dais. Senator Conder of Richmond addresses the Chair and presents the Principal Clerk–elect, Sylvia Morris Fink. The Honorable Dennis A. Wicker, Lieutenant Governor of the State of North Carolina administers the prescribed oath of office and directs the Principal Clerk to assume her seat.

The President declares the floor open to receive nominations for the Office of Reading Clerk.

The President recognizes Senator Sherron of Wake, who offers the following remarks:

"Ladies and Gentlemen of the Senate, I'm going to make this brief. It's late, plus I've got a hoarseness in my throat. LeRoy Clark is the Reading Clerk and has been for some twenty–four years here. LeRoy is one of my constituents. He resides down in Wendell. LeRoy, most of his life has been involved in the tobacco business. As I was saying, LeRoy has spent most of his life in the tobacco business, and one thing about that business that he experienced was being a tobacco auctioneer. And by having the ability to speak fast and distinctly certainly qualifies LeRoy for being our Reading Clerk. In fact, I would suspect that LeRoy would rate probably one of the best in the United States. I could say a lot about LeRoy, but I want you all to know that LeRoy is a great Democrat, he's a great friend of mine, and I'm sure that all of you will be well satisfied with his duties as Reading Clerk. Thank you."

The Chair recognizes Senator Cooper of Nash who seconds the nomination and offers the following remarks:

"Thank you, Mr. President. It is important that we elect a Reading Clerk with a silver tongue, sense of humor, a strong, clear voice, a complete knowledge of procedure, a deep pride in tobacco, and a little chin of hair doesn't hurt either. LeRoy Clark possesses all of these traits and more. As the saying goes, what is tried and true should be kept in place. LeRoy Clark has a long list of accomplishments in the areas of business, civic work, and family. He has served this Body and the State of North Carolina well for many years. We should keep him. Therefore, I proudly second the nomination of LeRoy Clark, Jr. to the Office of Reading Clerk, and I move that the nominations be closed and that he be elected by acclamation."

The motion offered by Senator Cooper of Nash that the nominations be closed and that LeRoy Clark, Jr. be elected Reading Clerk by acclamation prevails.

The President declares LeRoy Clark, Jr., unanimously elected, and appoints Senator Speed of Franklin and Senator Simpson of Burke to escort the Reading Clerk–elect of the 1995 Senate to the Well of the Senate. Senator Speed of Franklin addresses the Chair and presents the Reading Clerk–elect, LeRoy Clark, Jr. The Honorable Willis P. Whichard, Associate Justice of the Supreme Court of North Carolina, administers the prescribed oath of office, and the President directs the Reading Clerk to assume his seat.

The President declares the floor open to receive nominations for the office of Sergeant–at–Arms.

The President recognizes Senator Edwards of Cumberland who offers the following remarks:

"Members of the Senate, President *Pro Tem*, and the Judiciary. I apologize, first of all, for getting up too early. I suppose this time of day it's past my mealtime and I was trying to get out. But I am happy to place in nomination a man who has served us well for the past two years as Sergeant–at–Arms. He came to us well prepared at that time, and has done a very good job for us, having served with the U. S. Department of Justice in the area of criminal investigator, in the U. S. Marshal Service as an inspector, as Deputy U. S. Marshal, and retired after twenty–five years of service. He is well qualified for the position, having been educated at one of our State universities, North Carolina State A&T, served in the military, and is a strong family man. And I'm happy to place his name in nomination."

The President recognizes Senator Plyler of Union who seconds the nomination and offers the following remarks:

"Mr. President, I'd like to second the nomination of Cecil Goins. Mr. President and ladies and gentlemen of the Senate, I've known Cecil for a good long while before he was Sergeant–at–Arms here on this floor and in this Building two years ago. Cecil Goins is a person that you can feel comfortable around because he will certainly see that he executes the duties of his Office in the way that will make all of us here safe. Cecil has been in various areas of protection, as Senator Edwards

has mentioned, over the many years, and of course he can tell you some real experiences in some of the things that he's had to do with those duties. But, Mr. President and ladies and gentlemen of the Senate, it is an honor for me to second the nomination of Sergeant–at–Arms Cecil Goins, and I would like to move that the nominations be closed and that Mr. Goins be elected by acclamation."

The motion offered by Senator Plyler that the nominations be closed and Cecil Goins be elected Sergeant–at–Arms by acclamation prevails.

The President declares Cecil Goins unanimously elected and appoints Senator Rand of Cumberland and Senator Hobbs of Moore to escort the Sergeant–at–Arms–elect to the Well of the Senate. Senator Rand of Cumberland addresses the Chair and presents the Sergeant–at–Arms–elect, Cecil Goins. The Honorable Burley B. Mitchell, Jr., Chief Justice of the Supreme Court of North Carolina, administers the prescribed oath of office. The President directs the Sergeant–at–Arms to assume his seat.

The Chair recognizes Senator Conder of Richmond, Senate Majority Leader, who offers the following remarks:

"Thank you, Mr. President, and ladies and gentlemen. Let me say that this has been a long day. For some of you it may have been a trying day. But let me say to you right now, that this is going to be a great Session. I think you probably have seen the worst of anything you might expect because I promise you that anything that needs to be done, we'll work with you to help you do it. I'm satisfied that the remarks I made earlier about the track record of Senator Basnight will probably be as strong, if not stronger, tomorrow. I feel very good about what's going on and what's happening. I hope this is going to be a hard–working Session, but I hope it's also going to be a fun Session. I think we're going to have a good time and we're going to work hard, but you're going to be in for a ride and see some things happening in this General Assembly, this Senate, that's never happened before in the State of North Carolina. And that's what I meant earlier by there'll be a lot of new firsts happening in the State of North Carolina.

"One in particular, Senator Basnight assigned Senator Cochrane and myself the responsibility of assigning seats. If you notice, for the first time ever, there are four Republicans sitting here in the middle aisle. If there'd not been a spirit of cooperation, they could have been somewhere else. Senator Cochrane and I worked very hard to work this out. Had a chain of events not happened, there'd have been another one sitting right here where Senator Edwards is right now, Seat Number 20. So, you see what we've done, and I was real pleased when we concluded our work and Betsy looked at me and she says, 'Richard, I didn't get my first choice, but I got my second choice.' So I promise you folks that it's going to be a great Session and we're going to work well with you, and I wish you well. And, seriously, if I can help any of you at any time, if you've got any problems, we're not here to be in an adversarial role, we want to do something that's good for the State of North Carolina, and together, we'll do it.

"And I will just close in saying that all's well that ends well, and the proof is in the pudding."

The Chair recognizes Senator Ballance of Warren, Senate Majority Whip, who offers the following remarks:

"Mr. President, thank you so kindly. Senator Basnight, to all of our Senators, those who are returning and those who are new, I look forward to working with you. Thank you very much.

The Chair recognizes Senator Cochrane of Davie, Senate Minority Leader, who offers the following remarks:

"Thank you, Mr. President. This has been a baptism by fire for me, but I want to tell you this lady is going to weather it just fine. I am proud of my delegation and the job they have done today. Now, all of that aside. There is something much more important, and that is to be a part of this Body, this Senate Body. And we are, and we intend to work together harmoniously when we are allowed to, and cooperatively when we are allowed to. And we certainly will be there doing for our people, for all the people of this State, to the very best of our ability, to which we were elected. Thank you."

The Chair recognizes Senator Allran of Catawba, Senate Minority Whip, who offers the following remarks:

"Thank you, Mr. President, and ladies and gentlemen of the Senate. I would just like to say that it certainly is a privilege and an honor for me to serve as the Minority Whip. This is the finest group of Republican freshmen I have ever served with, and this is my eighth term. They have honored me with letting me serve them in this capacity, and as for all the other Members of the Senate, I look out and see faces that I know and appreciate very much; and I certainly look forward to working with all of you in every way possible. Thank you."

COURTESIES OF THE FLOOR

The President recognizes and extends privileges of the floor to former Governor James Holshouser.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
January 25, 1995

Mr. President:

It is ordered that a message be sent to the Senate informing your Honorable Body that the House of Representatives is organized and is now ready to proceed with the public business and has elected the following officers:

Speaker:	Harold J. Brubaker
Speaker *Pro Tempore*:	Carolyn B. Russell
Principal Clerk:	Denise G. Weeks

and pursuant to House Rule 45(c), the Speaker has appointed:

Reading Clerk:	Joan N. Danieley
Sergeant at Arms:	Clyde Cook, Jr.

Further be advised that the House has been notified of the election of the following party officers:

Majority Leader:	Leo Daughtry
Majority Whip:	Robert C. Hayes
Joint Caucus Leader:	C. Robert Brawley
Minority Leader:	James B. Black
Minority Whips:	W. Pete Cunningham
	E. David Redwine

Respectfully,
S/Denise G. Weeks
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Soles offers a motion to suspend Rule 40 to allow the introduction of the following joint resolution, which motion prevails by a two–thirds majority vote:

By Senator Soles:

S.J.R. 2, a joint resolution informing his Excellency, Governor James B. Hunt, Jr., that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives.

On motion of Senator Soles, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration. The joint resolution passes its second (39–1) and third readings and is ordered sent to the House of Representatives by special messenger.

RECONSIDERATION

Senator Rand offers a motion to reconsider the vote by which Senator Basnight was elected President *Pro Tempore* of the Senate and further that that motion do lie upon the table, which motions prevail (28–13).

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports *(see Addendum)* which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 321, Section 284, of the 1993 Session Laws, the Governor's Commission on Reduction of Infant Mortality submits a report entitled "Health Status of New and Expectant Mothers and Children in North Carolina."

Pursuant to Chapter 743, of the a1993 Session Laws, the North Carolina Department of Human Resources submits the Progress Report on Steering Team for Domiciliary Care.

Pursuant to G.S. 113A–88(d), the North Carolina Department of Environment, Health and Natural Resources submits the 1993–94 Annual Report on State Trails System.

Pursuant to Chapter 561, Section 107 and Chapter 769, Section 41 of the 1993 Session Laws, the North Carolina Department of Environment, Health and Natural Resources submits the Quarterly Report on Water Resources Development Projects.

Pursuant to Chapter 738 of the 1989 Session Laws, the North Carolina Department of Crime Control and Public Safety submits the "1995 Drug Control and System Improvement Strategies."

Pursuant to Chapter 542, Section 5(b) of the 1993 Session Laws, the North Carolina System of Community Colleges submits the Quarterly Report of Bond Fund Expenditures.

Pursuant to Chapter 689, Section 239(h) of the 1991 Session Laws, the North Carolina Department of Human Resources, Division of Youth Services submits the Prison Bond Quarterly Report.

Pursuant to G.S. 120–30.17(9), the North Carolina Medical Care Commission submits the Emergency Prehospital Cardiac Care and Recovery Care/Ambulatory Surgical Centers report.

Pursuant to Chapter 769, Section 21 of the 1993 Session Laws, the North Carolina Department of Administration, Division of Purchase and Contract submits Correction Enterprises Report of Sales for FY 1994 to State Agencies and Departments.

Pursuant to Chapter 542, Section 14 of the 1993 Session Laws, the North Carolina Department of Environment, Health and Natural Resources submits the Minority Business Report for Wastewater Projects Funded by Clean Water Bonds.

Pursuant to Chapter 769, Section 27.2 of the 1993 Session Laws, the North Carolina Wildlife Resources Commission submits the Fiscal Report on the Condition of the Wildlife Fund.

EXECUTIVE ORDERS

Executive Orders received following adjournment sine die of the 1993 General Assembly (See *Appendix*) are presented to the Senate, read, and referred to **Rules and Operation of the Senate Committee** as follows:

Executive Order Number 54, To Create the North Carolina Health Care Information and Communications Alliance.

Executive Order Number 55, North Carolina — Head Start Collaboration Project Advisory Council.

Executive Order Number 56, Governor's Task Force on Health Objectives for the Year 2000.

Executive Order Number 57, Georgia Emergency Flood Relief.

Executive Order Number 58, Public Greenways Across State Lands.

Executive Order Number 59, Governor's Task Force on Driving While Impaired.

Executive Order Number 60, North Carolina State Defense Militia.

Executive Order Number 61, Amending Executive Order 17, the North Carolina Emergency Response Commission.

Executive Order Number 62, Escorts for Foreign Research Reactor Spent Nuclear Fuel.

Executive Order Number 63, Establishing the North Carolina Alliance for Competitive Technologies (NCACTS).

Executive Order Number 64, Amending Executive Order Number 32 Concerning the Governor's Advisory Commission on Military Affairs.

Executive Order Number 65, Amending Executive Order Number 21, the Local Government Partnership Council.

Executive Order Number 66, Statewide Flexible Benefits Program.

Executive Order Number 67, Extension of Executive Order No. 1, North Carolina Board of Ethics.

Executive Order Number 68, Establishing the North Carolina Information Highway Council of Advisors and the North Carolina Information Highway Policy Committee.

RESOLUTION FROM ANOTHER STATE

The following resolution received August 2, 1994, from another Legislative Body is presented to the Senate and is ordered filed in the Office of the Principal Clerk with the papers of the Senate:

Illinois House Resolution No. 2540, Claiming sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution, and to serve notice and demand the federal government cease and desist mandates that are beyond the scope of its constitutionally delegated powers. (See *Appendix*)

PAGES

The President introduces Mrs. Tonita Stephenson who is serving as Page Supervisor for the 1995 Session, and the following pages serving in the Senate this week:

Karen Michele Balch, Lumberton; Katherine Marie Cottrell, Henderson; Anne Kreutzberg, Chapel Hill; Charles Taylor Phelps, Louisburg; Marion Victor Rains III, Raleigh; Patrick L. Stover, Red Oak; Nancy Katherine Swartzel, Raleigh; Amber Ruth Tankard, Bath; Elizabeth Wellons, Smithfield; and Zachary Whitaker, Raleigh.

On motion of Senator Basnight, seconded by Senator Hobbs, the Senate adjourns at 4:00 P.M. to meet tomorrow, Thursday, January 26, at 1:30 P.M.

SECOND DAY

SENATE CHAMBER,
Thursday, January 26, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious and Loving God, it happens every year at the opening Session of the General Assembly. Yesterday was no exception.

"With the brush stroke of a great master, a powerful portrait was painted before our very eyes in this Chamber. The subjects on the canvas were the Senators surrounded by those who love and encourage them.

"Parents looking over the shoulder of their child, the Senator; spouses and friends sharing in their rightful place of partnership alongside the Senators; children and grandchildren sitting on the lap of a parent or grandparent who serves this Body, some being held, others being held down.

"I simply pray that you recall this wonderful image every day to the men and women who serve here. Along with Your Abiding Presence, that mental portrait shall be a great source of strength for the journey that is ahead. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, January 25, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. William N. Johnstone of Pinehurst, North Carolina who is serving the Senate as Doctor of the Day. (See *Appendix*)

COURTESIES OF THE FLOOR

Senator Sherron offers a motion that courtesies of the floor be extended to Senator Francisco Utrera of Madrid, Spain, which motion prevails. The Chair directs Senator Sherron to escort Senator Utrera and his interpreter to the Well of the Senate, where he addresses the membership. Senator Lucas responds in Spanish.

The Chair thanks Senator Utrera for his comments and directs Senator Sherron to escort Senator Utrera to a seat.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Cooper, Albertson, Warren, Soles, Speed, Dannelly, Hoyle, Hobbs, Kerr, Martin of Guilford, Rand, Odom, Plexico, Lucas, and Plyler:

S.B. 3, a bill to provide for a referendum to amend the Constitution to provide for a gubernatorial veto.

Referred to **Judiciary I/Constitution Committee.**

By Senators Albertson, Perdue, Plyler, Speed, Edwards, Warren, Dannelly, Hoyle, Kerr, Martin of Guilford, Winner, Odom, Rand, Cooper, Plexico, Ballantine, Gulley, Allran, Carpenter, Foxx, Kincaid, and McDaniel:

S.B. 4, a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense.

Referred to **Judiciary I/Constitution Committee.**

By Senators Winner, Albertson, Perdue, Plyler, Hoyle, Martin of Guilford, Odom, Rand, Plyler, Gulley, Lucas, Allran, Carpenter, and Cooper:

S.B. 5, a bill to amend the Constitution to change the composition of the State Board of Education and make the Superintendent of Public Instruction an appointee of the State Board of Education, and to make corresponding statutory changes.

Referred to **Judiciary I/Constitution Committee.**

By Senators Warren and Forrester, Albertson, Smith, Hoyle, Soles, Speed, Dannelly, Hobbs, Kerr, Odom, Plyler, Rand, Plexico, Lucas, Gulley, Allran, Carpenter, Ballantine, Cooper, and Davis:

S.B. 6, a bill to amend the Constitution of North Carolina to establish rights for victims of crime.

Referred to **Judiciary I/Constitution Committee.**

By Senators Cooper, Perdue, Albertson, Soles, Speed, Warren, Edwards, Dannelly, Hoyle, Hobbs, Kerr, Martin of Guilford, Winner, Odom, Rand, Plexico, Gulley, Lucas, and Plyler:

S.B. 7, a bill to amend the Constitution of North Carolina to authorize the General Assembly to enact legislation allowing each county to (i) increase the amount of the property tax homestead exemption for low-income elderly and disabled individuals in that county and (ii) raise the definition of "low-income" so that more elderly and disabled individuals can qualify for the exemption.

Referred to **Judiciary I/Constitution Committee.**

By Senators Kerr, Albertson, Perdue, Soles, Speed, Edwards, Warren, Dannelly, Hoyle, Martin of Guilford, Odom, Plyler, Rand, Cooper, Gulley, Lucas, and Plexico:

S.B. 8, a bill to repeal the intangibles tax and to reimburse local governments for their resulting revenue loss.

Referred to **Finance Committee.**

By Senators Edwards, Perdue, Albertson, Soles, Speed, Warren, Dannelly, Hoyle, Hobbs, Kerr, Martin of Guilford, Winner, Odom, Plyler, Rand, Plexico, Gulley, Lucas, and Cooper:

S.B. 9, a bill to expand the property tax homestead exemption for low-income elderly and disabled individuals.

Referred to **Finance Committee.**

By Senators Sherron, Perdue, Albertson, Soles, Speed, Warren, Edwards, Dannelly, Hoyle, Hobbs, Kerr, Martin of Guilford, Winner, Odom, Plyler, Rand, Plexico, Gulley, Lucas, and Cooper:

S.B. 10, a bill to increase the State personal exemption for a taxpayer's dependent child from two thousand dollars to two thousand five hundred dollars.

Referred to **Finance Committee.**

By Senators Sherron, Perdue, Albertson, Speed, Soles, Warren, Edwards, Dannelly, Hoyle, Hobbs, Kerr, Martin of Guilford, Winner, Odom, Plyler, Rand, Plexico, Gulley, Lucas, and Cooper:

S.B. 11, a bill to increase the income tax standard deduction by twenty percent.

Referred to **Finance Committee.**

By Senators Sherron, Perdue, Albertson, Soles, Speed, Blackmon, Hoyle, Warren, Martin of Guilford, Odom, Plyler, Kerr, Plexico, Carpenter, and Rand:

S.B. 12, a bill to reduce the corporate income tax from seven and three–fourths percent to seven percent over a three–year period.

Referred to **Finance Committee.**

By Senators Kerr, Albertson, Perdue, Soles, Warren, Dannelly, Edwards, Speed, Hoyle, Hobbs, Martin of Guilford, Winner, Odom, Rand, Plyler, Cooper, Plexico, Gulley, Kincaid, Foxx, and McDaniel:

S.B. 13, a bill to further reduce employers' unemployment insurance taxes.

Referred to **Finance Committee.**

By Senators Plexico, Perdue, Speed, Hoyle, Blackmon, Edwards, Warren, Dannelly, Martin of Guilford, Winner, Odom, Gulley, Lucas, and Plyler:

S.B. 14, a bill to strengthen the law limiting campaign contributions.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Perdue, Winner, Martin of Guilford, Plexico, Odom, Rand, Gulley, Lucas, and Plyler:

S.B. 15, a bill to clarify the statutes so as to streamline the operations of the State education agency.

Referred to **Education/Higher Education Committee.**

By Senators Perdue, Albertson, Martin of Guilford, Hoyle, Kerr, Winner, Odom, Rand, Plyler, Plexico, Gulley, Lucas, and Cooper;

S.B. 16, a bill directing the State Board of Education to recommend changes in the public school system.

Referred to **Education/Higher Education Committee.**

By Senators Lucas, Albertson, Perdue, Dannelly, Soles, Speed, Hoyle, Hobbs, Kerr, Warren, Martin of Guilford, Winner, Odom, Rand, Plexico, Gulley, and Plyler:

S.B. 17, a bill to provide additional time for teacher staff development.

Referred to **Appropriations Committee.**

By Senators Winner, Albertson, Perdue, Hoyle, Kerr, Martin of Guilford, Warren, Odom, Rand, Plyler, Cooper, Plexico, Gulley, and Lucas:

S.B. 18, a bill to provide additional budget flexibility to certain local school administrative units.

Referred to **Appropriations Committee.**

By Senators Hobbs, Albertson, Perdue, Speed, Plexico, Soles, Warren, Edwards, Dannelly, Hoyle, Kerr, Martin of Guilford, Winner, Odom, Rand, Plyler, Cooper, Gulley, and Lucas:

S.B. 19, a bill to provide for a school improvement incentive grant program.

Referred to **Education/Higher Education Committee**, and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senators Cooper, Albertson, Perdue, Soles, Speed, Warren, Hoyle, Martin of Guilford, Kerr, Winner, Odom, Rand, Plexico, Gulley, Lucas, and Plyler:

S.B. 20, a bill to amend the School Improvement and Accountability Act of 1989.

Referred to **Education/Higher Education Committee**.

By Senators Winner, Soles, Speed, Edwards, Parnell, Hobbs, Odom, Rand, Plexico, Gulley, and Plyler:

S.B. 21, a bill to permit local boards of education to use funds allocated for teacher assistants to reduce class size.

Referred to **Education/Higher Education Committee**.

By Senators Winner, Albertson, Soles, Speed, Warren, Edwards, Parnell, Dannelly, Kerr, Martin of Guilford, Odom, Rand, Plyler, Gulley, Lucas, and Cooper:

S.B. 22, a bill to allocate funds appropriated by the 1993 General Assembly to the School Technology Reserve.

Referred to **Appropriations Committee**.

By Senators Winner, Albertson, Soles, Speed, Warren, Edwards, Dannelly, Hoyle, Kerr, Martin of Guilford, Odom, Rand, Plyler, Cooper, Gulley, Lucas, and Plexico:

S.B. 23, a bill to appropriate funds to the School Technology Fund.

Referred to **Appropriations Committee**.

By Senators Lucas, Perdue, Albertson, Edwards, Warren, Parnell, Dannelly, Hoyle, Kerr, Martin of Guilford, Odom, Rand, Gulley, and Plyler:

S.B. 24, a bill to refocus the school testing program on the basics.

Referred to **Education/Higher Education Committee**.

By Senators Warren, Albertson, Edwards, Parnell, Hoyle, Kerr, Winner, Odom, Cooper, Gulley, Lucas, and Plexico:

S.B. 25, a bill to appropriate funds for alternative schools.

Referred to **Appropriations Committee**.

By Senators Perdue, Albertson, Speed, Warren, Parnell, Hoyle, Odom, Plyler, Cooper, Plexico, and Rand:

S.B. 26, a bill to enable local boards of education to expel from school those students whose continued presence in school constitutes a clear threat to the safety and health of other students or employees.

Referred to **Judiciary I/Constitution Committee**.

By Senators Odom, Perdue, Albertson, Speed, Soles, Warren, Edwards, Parnell, Hoyle, Rand, Plyler, Gulley, and Plexico:

S.B. 27, a bill to repeal the prison population cap.

Referred to **Judiciary II/Election Laws Committee**.

By Senators Odom, Perdue, Albertson, Plexico, Hoyle, Kerr, Warren, Gulley, Cooper, Plyler, and Rand:

S.B. 28, a bill to create a new offense class and punishment row for misdemeanor assaults, to increase the punishment for the felony offenses of common law robbery, breaking and entering, assault on a law enforcement officer, and possession of a firearm by a felon, to lengthen the minimum sentences for felony offense Classes B2, C, and D.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Odom, Albertson, Speed, Parnell, Hoyle, Kerr, Plyler, and Plexico:

S.B. 29, a bill to expedite the postconviction process in North Carolina for capital cases.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Odom, Albertson, Soles, Speed, Edwards, Parnell, Warren, Hoyle, Kerr, Winner, Martin of Guilford, Rand, Plyler, Cooper, Gulley, and Plexico:

S.B. 30, a bill to authorize the Secretary of Correction to enter long–term contracts for the confinement of State prisoners in county facilities.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Parnell, Albertson, Soles, Speed, Warren, Blackmon, Dannelly, Hoyle, Odom, Rand, Plyler, Cooper, and Plexico:

S.B. 31, a bill to allow for the contracting of private prisons.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Hobbs, Albertson, Soles, Speed, Parnell, Hoyle, Kerr, Winner, Martin of Guilford, Gulley, and Odom:

S.B. 32, a bill to authorize the Legislative Research Commission to study the housing of misdemeanants in local confinement facilities.

Referred to **Appropriations Committee.**

By Senators Ballance, Soles, Speed, Parnell, Dannelly, Hoyle, Kerr, Winner, Martin of Guilford, Odom, Rand, Gulley, and Plyler:

S.B. 33, a bill to give the District Court concurrent jurisdiction with the Superior Court to accept a plea of guilty or no contest to a Class F, G, H, or I felony with the consent of the State and the defendant.

Referred to **Judiciary I/Constitution Committee.**

By Senator Odom:

S.B. 34, a bill to abolish execution by lethal gas and to provide that a person convicted of a criminal offense who is sentenced to death shall be executed by the administration of lethal drugs.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Martin of Guilford, Dannelly, Kerr, Warren, Perdue, Albertson, Speed, Edwards, Parnell, Winner, Odom, Rand, Plyler, Cooper, Gulley, Lucas, and Plexico:

S.B. 35, a bill to establish the 1995 North Carolina Welfare Reform Act.

Referred to **Children and Human Resources Committee.**

By Senators Hoyle, Kerr, Plyler, Rand, Speed, Warren, Perdue, Albertson, Forrester, Soles, Dannelly, Martin of Guilford, Odom, Plyler, Cooper, Winner, Plexico, Lucas, and Gulley:

S.B. 36, a bill to protect the taxpayers of North Carolina by establishing the Taxpayer Bill of Rights.

Referred to **Finance Committee.**

By Senators Conder, Speed, Warren, Hoyle, Kerr, Odom, Plyler, Rand, and Plexico:

S.B. 37, a bill to amend the Constitution of North Carolina to provide for term limits for members of the General Assembly, Council of State, local officials, and members of the Congress of the United States.

Referred to **Judiciary I/Constitution Committee.**

By Senators Plexico, Edwards, Hoyle, Martin of Guilford, Odom, Winner, and Gulley:

S.B. 38, a bill to amend the campaign–reporting laws to require more disclosure about contributors and to add a report around Labor Day for certain candidates; and to eliminate the extra contribution limit period for the second primary for candidates who are not on the ballot in the second primary.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Speed, Hoyle, Warren, Perdue, Albertson, Soles, Parnell, Kerr, Odom, Rand, Plyler, and Plexico:

S.B. 39, a bill to provide governmental accountability and protection to the taxpayers by limiting increases in the General Fund budget, reforming the budget process, establishing a Rainy Day Emergency Reserve Trust Fund, and appropriating funds to the Savings Reserve Account.

Referred to **Finance Committee.**

By Senators Plexico, Smith, Dannelly, Hoyle, Kerr, Odom, Gulley, Plyler, and Lucas:

S.B. 40, a bill to streamline, simplify, and modernize the absentee voting laws, and to conform to federal laws on absentee voting.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Odom, Speed, Edwards, Parnell, Dannelly, Hoyle, Kerr, Rand, and Plyler:

S.B. 41, a bill to provide a procedure for eliminating frivolous lawsuits by prisoners and to establish a partial filing fee for prisoners proceeding as indigents.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Albertson, Gulley, and Lucas:

S.B. 42, a bill to provide a one–time tax rebate to each individual taxpayer who resides in this State.

Referred to **Finance Committee.**

By Senators Cooper, Soles, Parnell, Hoyle, Kerr, Odom, Rand, Plexico, Plyler, and Lucas:

S.B. 43, a bill to make statutory conforming changes necessitated by an act to provide for a gubernatorial veto.

Referred to **Judiciary I/Constitution Committee.**

By Senators Odom, Winner, Blackmon, Dannelly, Hoyle, Plyler, Rand, and Lucas:

S.B. 44, a bill to provide for special registration plates for supporters of professional sport teams.

Referred to **Transportation Committee.**

By Senators Hartsell, Cochrane, McKoy, Carrington, Sawyer, Kincaid, Blackmon, Allran, Foxx, Carpenter, Forrester, Smith, Ballantine, Little, McDaniel, and Dannelly:

S.B. 45, a bill to streamline the appeals process in North Carolina for criminal cases.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Hartsell, Allran, Ballantine, Blackmon, Carpenter, Carrington, Clark, Cochrane, Davis, East, Forrester, Foxx, Horton, Kincaid, Ledbetter, Little, McDaniel, McKoy, Sawyer, Shaw, Simpson, Smith, and Webster:

S.B. 46, a bill to repeal the prison population cap.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Carpenter, Allran, Carrington, Clark, Cochrane, Davis, East, Forrester, Foxx, Hartsell, Ledbetter, Little, McDaniel, McKoy, Shaw, Smith, and Webster:

S.B. 47, a bill to amend the Constitution of North Carolina to provide to the people the power of initiative.

Referred to **Judiciary I/Constitution Committee.**

By Senators Allran, Ballantine, Blackmon, Carpenter, Carrington, Clark, Cochrane, Davis, East, Forrester, Foxx, Hartsell, Kincaid, Ledbetter, Little, McDaniel, McKoy, Shaw, Smith, and Albertson:

S.B. 48, a bill to establish the Public Assistance Personal and Family Responsibility Act of 1995.

Referred to **Children and Human Resources Committee.**

By Senators Allran, Clark, Cochrane, Foxx, Hartsell, Kincaid, Carpenter, Blackmon, Shaw, Ledbetter, Smith, McKoy, McDaniel, East, Ballantine, Forrester, Little, Carrington, Davis, Webster, Kerr, and Albertson:

S.B. 49, a bill to return the food stamp fraud felony threshold to its pre–1991 limit.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Allran, Clark, Cochrane, Foxx, Smith, Hartsell, Kincaid, Carpenter, Blackmon, Shaw, Ledbetter, McKoy, McDaniel, East, Ballantine, Forrester, Little, Davis, Dannelly, Carrington, Kerr, and Albertson:

S.B. 50, a bill to ensure the best use of day care funds.

Referred to **Children and Human Resources Committee.**

By Senators Cooper, Parnell, Hoyle, Odom, Rand, Plyler, Plexico, Carpenter, and Allran:

S.B. 51, a bill to require a one–year suspension for any student who brings a gun onto school property and to allow for expelling students whose continued presence in school constitutes a clear threat to the safety and health of other students or employees.

Referred to **Judiciary I/Constitution Committee.**

By Senators Albertson, Parnell, Dannelly, Kerr, and Odom:

S.B. 52, a bill to create the State–Owned Submerged Lands Advisory Committee and to require that the Advisory Committee make its final report to the General Assembly on or before May 1, 1995.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Odom, Speed, Dannelly, Hoyle, Rand, Plyler, and Plexico:

S.B. 53, a bill to require the registration of persons convicted of certain criminal sexual offenses.

Referred to **Judiciary II/Election Laws Committee**.

By Senators Cochrane, Carpenter, East, Shaw, Smith, Kincaid, Simpson, Allran, Blackmon, Forrester, Hartsell, Ballantine, McKoy, Ledbetter, McDaniel, Little, Davis, Carrington, Clark, Webster, Horton, and Foxx:

S.B. 54, a bill to make statutory conforming changes necessitated by an act to provide for a gubernatorial line–item reduction veto.

Referred to **Judiciary I/Constitution Committee**.

By Senators Cochrane, Carpenter, East, Shaw, Smith, Kincaid, Simpson, Allran, Blackmon, Forrester, Hartsell, Ballantine, McKoy, Little, Ledbetter, Webster, Clark, McDaniel, Davis, Foxx, Horton, and Carrington:

S.B. 55, a bill to provide for a referendum to amend the Constitution to provide for a gubernatorial veto of entire bills, a gubernatorial line–item veto of appropriations, and to allow the Governor to reduce an appropriation rather than rejecting it.

Referred to **Judiciary I/Constitution Committee**.

By Senators Plyler, Conder, Hoyle, Plexico, Jordan, Hobbs, Soles, Speed, Edwards, Parnell, Dannelly, Odom, Kerr, Rand, Cooper, and Lucas:

S.B. 56, a bill to repeal antiquated, obsolete, or unconstitutional laws.

Referred to **Judiciary II/Election Laws Committee**.

By Senators Conder and Speed:

S.B. 57, a bill to implement the recommendations of the Legislative Research Commission Committee on Alcoholic Beverage Control.

Referred to **Judiciary I/Constitution Committee**.

By Senators Plexico, Smith, Dannelly, Hoyle, Kerr, Odom, and Lucas:

S.B. 58, a bill to make technical corrections in voter registration laws and other election laws.

Referred to **Judiciary II/Election Laws Committee**.

By Senators Jordan, Dannelly, and Edwards:

S.B. 59, a bill to establish a permanent, Independent Consumer Protection Study Commission.

Referred to **Appropriations Committee**.

By Senators Jordan, Edwards, Dannelly, and Lucas:

S.B. 60, a bill to establish a Study Commission on the Disposition of Public School Buildings.

Referred to **Appropriations Committee**.

By Senators Jordan, Edwards, Dannelly, and Lucas:

S.B. 61, a bill to establish a reserve for State assistance to a center for the promotion of African–American Heritage and Culture in North Carolina and to establish an African–American Heritage and Culture Advisory Committee.

Referred to **Appropriations Committee.**

By Senators Jordan, Parnell, Perdue, Plexico, Dannelly, and Kerr:

S.B. 62, a bill to establish a bill of rights for owners of manufactured homes.

Referred to **Commerce Committee.**

By Senators Jordan, Edwards, and Dannelly:

S.B. 63, a bill to require local school boards to provide the North Carolina Historical Commission with notice of plans to replace old school buildings by submitting the feasibility and cost analyses for review by the Commission.

Referred to **Education/Higher Education Committee.**

By Senators Ballantine, Carrington, Cochrane, Hartsell, McKoy, Kincaid, Carpenter, Simpson, Little, McDaniel, Smith, Shaw, Davis, Ledbetter, Foxx, Allran, East, Horton, Clark, Webster, Forrester, Kerr, Blackmon, and Parnell:

S.B. 64, a bill to establish State policy regarding the construction of prisons.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Jordan, Parnell, and Kerr:

S.B. 65, a bill to regulate check cashing businesses.

Referred to **Commerce Committee.**

By Senators Blackmon, Ledbetter, Cochrane, Carpenter, Kincaid, McDaniel, Shaw, Simpson, Smith, Webster, Hartsell, McKoy, Ballantine, Forrester, Allran, and Davis:

S.B. 66, a bill to provide governmental accountability and protection to the taxpayers by limiting increases in the General Fund budget, reforming the budget process, establishing an emergency reserve trust fund, and prohibiting unfunded State mandates.

Referred to **Finance Committee.**

By Senators Allran, Clark, Cochrane, Foxx, Carpenter, Hartsell, Forrester, Smith, Kincaid, Simpson, Little, McDaniel, Ballantine, Blackmon, Shaw. McKoy, Ledbetter, Parnell, and Davis:

S.B. 67, a bill to develop statewide food stamp electronic benefits transfer.

Referred to **Children and Human Resources Committee.**

By Senators Allran, Clark, Cochrane, Foxx, Carpenter, Hartsell, Forrester, Smith, Kincaid, Simpson, Little, Shaw, McDaniel, Ballantine, Blackmon, McKoy, Ledbetter, Horton, Parnell, and Davis:

S.B. 68, a bill to require recipients of food stamps to participate in Workfare.

Referred to **Children and Human Resources Committee.**

By Senators Hoyle, Parnell, Forrester, Soles, Speed, Dannelly, Odom, Plyler, Rand, and Lucas:

S.B. 69, a bill to provide tax relief and economic competitiveness for North Carolina.

Referred to **Finance Committee.**

By Senators Forrester, Horton, McKoy, Kincaid, Cochrane, Smith, Hartsell, Ballantine, Ledbetter, Little, McDaniel, Simpson, Shaw, Carpenter, Clark, Carrington, Foxx, Allran, East, Webster, and Davis:

S.B. 70, a bill to amend the Constitution of North Carolina to limit members of the Legislature to four consecutive terms in a house.

Referred to **Judiciary I/Constitution Committee.**

By Senators Forrester, Horton, McKoy, Kincaid, Cochrane, Smith, Hartsell, Ballantine, Ledbetter, Shaw, McDaniel, Simpson, Carrington, Horton, Clark, Carpenter, Webster, East, Allran, Foxx, Little, and Davis:

S.B. 71, a bill to statutorily limit ballot access to members of the United States House of Representatives who have served four two–year terms, and United States Senators who have served two six–year terms.

Referred to **Judiciary I/Constitution Committee.**

By Senators Ballantine, Carrington, Cochrane, Hartsell, McKoy, Kincaid, Carpenter, Davis, Shaw, Simpson, Ledbetter, Foxx, Allran, Horton, McDaniel, East, Webster, Clark, Forrester, Blackmon, Parnell, Speed, Hoyle, and Smith:

S.B. 72, a bill to prohibit the use of State funds for the North Carolina Resource Center.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

APPOINTMENT OF COMMITTEE CHAIRMEN

Pursuant to Rules 31 and 32, Senator Basnight, President *Pro Tempore*, appoints Chairmen of the Senate Standing Committees for the 1995 Session, as follows:

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES

Chairman: Senator Albertson

APPROPRIATIONS

Chairmen: Senator Plyler
Senator Perdue

BASE BUDGET

Chairman: Senator Odom

Appropriations on Department of Transportation

Chairman: Senator Hoyle

Appropriations on Education/Higher Education

Chairmen: Senator Plexico
Senator Winner

Appropriations on General Government

Chairman: Senator Warren

Appropriations on Human Resources

Chairman: Senator Martin of Guilford

Appropriations on Justice and Public Safety

Chairman: Senator Ballance

Appropriations on Natural & Economic Resources

Chairman: Senator Martin of Pitt

CHILDREN AND HUMAN RESOURCES

Chairman: Senator Lucas

COMMERCE

Chairman: Senator Parnell

EDUCATION/HIGHER EDUCATION

Chairmen: Senator Plexico
Senator Winner

FINANCE

Chairmen: Senator Sherron
Senator Kerr

JUDICIARY I/CONSTITUTION

Chairman: Senator Cooper

JUDICIARY II/ELECTION LAWS

Chairman: Senator Gulley

LOCAL GOVERNMENT AND REGIONAL AFFAIRS

Chairman: Senator Jordan

PENSIONS AND RETIREMENT/INSURANCE/STATE PERSONNEL

Chairmen: Senator Conder
Senator Soles

RULES AND OPERATION OF THE SENATE

Chairman: Senator Rand

TRANSPORTATION

Chairman: Senator Speed

WAYS AND MEANS

Chairman: Senator Edwards

On motion of Senator Basnight, seconded by Senator Cochrane, the Senate adjourns at 2:15 P.M. to meet Monday, January 30, at 7:00 P.M.

THIRD DAY

SENATE CHAMBER,
Monday, January 30, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, no doubt during this first full week of activities, the Senators and staff will be pulled in a hundred different directions by well–intentioned people, all advocates of complex issues for which they would like laws to be written.

"Though the members of this Body are committed, gifted, and versatile, remind them early on for the sake of their health and well–being that it will be impossible to be everywhere at once and all things to all people.

"A wise person has said,

> What another would have done as well as you, do not do it. What another would have said as well as you, do not say it; written as well, do not write it. Be faithful to that which exists nowhere but in yourself through God's Grace, and there make yourself *indispensable.*

"Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, January 26, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Robert Skidmore of Durham, North Carolina who is serving the Senate as Doctor of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Simpson, Carpenter, Foxx, and Kincaid:

S.B. 73, a bill to authorize local boards of education to use funds appropriated for teacher assistants and for program enhancement teachers for other purposes.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Cochrane, Allran, Carpenter, Clark, Davis, Foxx, Hartsell, Kincaid, Ledbetter, Little, Simpson, and Smith:

S.B. 74, a bill to amend the Constitution to make the Superintendent of Public Instruction an appointee of the State Board of Education, and to make corresponding statutory changes.

Referred to **Judiciary I/Constitution Committee.**

By Senator Parnell:

S.B. 75, a bill to allow an extension of time for the City of Raeford to file an application for a sales tax refund.

Referred to **Finance Committee.**

By Senators Parnell, Hoyle, Soles, and Speed:

S.B. 76, a bill to appropriate funds for additional personnel for the Division of Emergency Management and the North Carolina Center for Missing Persons.

Referred to **Appropriations Committee.**

By Senators Dannelly, Ballance, Blackmon, and Edwards:

S.B. 77, a bill to regulate trucks using multilane highways.

Referred to **Transportation Committee.**

By Senators Kincaid, Carpenter, Carrington, Cochrane, McDaniel, Foxx, and Webster:

S.B. 78, a bill to increase the income tax personal exemption amount from two thousand dollars to two thousand five hundred dollars, the same as the federal personal exemption amount, and to provide that the amount will increase automatically each year to account for inflation.

Referred to **Finance Committee.**

By Senators Kincaid, Carpenter, Carrington, Cochrane, McDaniel, Foxx, and Webster:

S.B. 79, a bill to lower the corporate income tax rate from 7.75% to 7%.

Referred to **Finance Committee.**

By Senator Soles:

S.B. 80, a bill to transfer the calendaring authority for criminal cases in Superior Court to the Senior Resident Superior Court Judge as recommended by the Legislative Research Commission Committee on Criminal Law.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Hartsell, Allran, Odom, Simpson, and Soles:

S.B. 81, a bill to enact the revised Article 3 of the Uniform Commercial Code and conforming and miscellaneous amendments to Articles 1 and 4 of the Uniform Commercial Code, as recommended by the General Statutes Commission.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Hartsell, Allran, Odom, Perdue, Simpson, and Soles:

S.B. 82, a bill to increase the amount of property collectible by small estate affidavit where the sole heir and/or devisee is the surviving spouse, to increase the minimum amount of intestate personal property passing to the surviving spouse,

and to increase the amount of the year's allowance for a surviving spouse and children, as recommended by the General Statutes Commission.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Hartsell, Odom, and Soles:

S.B. 83, a bill to enact the Uniform Statutory Rule Against Perpetuities, as recommended by the General Statutes Commission.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Hartsell and Odom:

S.B. 84, a bill to place time limits on options in gross and other interests in land, as recommended by the General Statutes Commission.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Hartsell and Soles:

S.B. 85, a bill to authorize honorary trusts, trusts for pets, and trusts for cemetery lots, as recommended by the General Statutes Commission.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Hartsell (by request):

S.B. 86, a bill to make it clear that heirs or devisees may move to compel the filing of an account in a decedent's estate and to make the personal representative or collector personally liable for the costs of a proceeding to compel the filing of the account, as recommended by the General Statutes Commission.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Martin of Guilford, Ballance, Dannelly, Edwards, Gulley, Jordan, Lucas, McKoy, Soles, and Warren:

S.B. 87, a bill to establish the Community-Based Partnership and Grant Program and to establish a Grants Information Network.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Martin of Guilford, Ballance, Dannelly, Edwards, Gulley, Jordan, Lucas, McKoy, Soles, and Warren:

S.B. 88, a bill to require the Department of Human Resources, Division of Youth Services to study and develop proposals designed to enhance the success of youth released from juvenile confinement facilities.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Martin of Guilford, Ballance, Dannelly, Edwards, Gulley, Jordan, McKoy, and Soles:

S.B. 89, a bill to require the Board of Governors, the State Board of Education, the Department of Public Instruction, and the Teaching Fellows Commission to study how to increase the number of minority teachers in public schools and to study the use of school facilities for community-based organization activities.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators McKoy, Carpenter, Davis, and Martin of Guilford:

S.B. 90, a bill to provide for early intervention and prevention of juvenile crime by providing for counseling of juveniles who have been adjudicated undisciplined or delinquent for certain offenses for the first time.

Referred to **Appropriations Committee.**

By Senators McKoy, Carpenter, and McDaniel:

S.B. 91, a bill to remove disincentives to work that keep public assistance recipients from moving toward permanent self–sufficiency and to require personal and family responsibility.

Referred to **Children and Human Resources Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Hoyle, Albertson, Forrester, Kerr, Foxx, and Martin of Pitt:

S.B. 92, a bill to exempt from the highway use tax fire fighting vehicles owned by all–volunteer fire departments.

Referred to **Finance Committee.**

COMMITTEE APPOINTMENTS

Pursuant to Rules 31 and 34, Senator Basnight, President *Pro Tempore*, announces appointments to standing committees and charges them, as follows:

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES

Chairman:	Senator Albertson
Vice–Chairmen:	Senator Gulley
	Senator Speed
	Senator Blackmon
Ranking Minority:	Senator Shaw
Members:	Senators Hobbs, Odom, Plexico, Winner, Jordan, Perdue, Dannelly, Cochrane, East, Ballantine, Carrington, McDaniel, and Simpson

APPROPRIATIONS

Co–Chairmen:	Senator Plyler
	Senator Perdue
Vice–Chairmen:	Senator Rand
	Senator Conder
	Senator Kincaid
	Senator Simpson
Members:	Senators Albertson, Ballance, Ballantine, Carpenter, Clark, Cochrane, Dannelly, Davis, East, Edwards, Forrester, Gulley, Hobbs, Horton, Hoyle, Jordan, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Plexico, Smith, Speed, Warren, and Winner

Appropriations – Department of Transportation

Chairman:	Senator Hoyle
Vice–Chairman:	Senator Albertson
Ranking Minority:	Senator Carpenter
Members:	Senators Edwards and Horton

Appropriations – Education/Higher Education

Co–Chairmen:	Senator Plexico
	Senator Winner
Vice–Chairman:	Senator Conder
Ranking Minority:	Senator Smith
Member:	Senator Little

Appropriations – General Government

Chairman:	Senator Warren
Vice–Chairman:	Senator Lucas
Members:	Senators Gulley, Ledbetter, and Davis

Appropriations – Human Resources

Chairman:	Senator Martin of Guilford
Vice–Chairman:	Senator Speed
Ranking Minority:	Senator Forrester
Members:	Senators Dannelly and Clark

Appropriations – Justice and Public Safety

Chairman:	Senator Ballance
Vice–Chairman:	Senator Parnell
Ranking Minority:	Senator Ballantine
Members:	Senators Rand and East

Appropriations – Natural and Economic Resources

Chairman:	Senator Martin of Pitt
Vice–Chairman:	Senator Jordan
Ranking Minority:	Senator Cochrane
Members:	Senators Hobbs and McKoy

BASE BUDGET

Chairman:	Senator Odom
Vice–Chairmen:	Senator Rand
	Senator Conder
	Senator Kincaid
	Senator Simpson

BASE BUDGET (continued)

Members:	Senators Albertson, Ballance, Ballantine, Carpenter, Clark, Cochrane, Dannelly, Davis, East, Edwards, Forrester, Gulley, Hobbs, Horton, Hoyle, Jordan, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Parnell, Perdue, Plyler, Plexico, Smith, Speed, Warren, and Winner

CHILDREN AND HUMAN RESOURCES

Chairman:	Senator Lucas
Vice–Chairmen:	Senator Martin of Guilford
	Senator Winner
	Senator Dannelly
Ranking Minority:	Senator Forrester
Members:	Senators Hobbs, Perdue, Kerr, Warren, Cooper, Plexico, Allran, Clark, East, Foxx, Kincaid, Sawyer, and Cochrane

COMMERCE

Chairman:	Senator Parnell
Vice Chairmen:	Senator Hoyle
	Senator Warren
	Senator Cochrane
Ranking Minority:	Senator Smith
Members:	Senators Kerr, Rand, Ballance, Martin of Pitt, Conder, Soles, Plyler, Kincaid, Foxx, Ledbetter, Little, Sawyer, and Carpenter

EDUCATION/HIGHER EDUCATION

Co–Chairmen:	Senator Plexico
	Senator Winner
Vice–Chairmen:	Senator Warren
	Senator Hobbs
	Senator Dannelly
	Senator Allran
Ranking Minority:	Senator Forrester
Members:	Senators Perdue, Lucas, Hoyle, Conder, Martin of Guilford, Cochrane, Little, Hartsell, Horton, Davis, and Foxx

FINANCE

Co–Chairmen:	Senator Sherron
	Senator Kerr
Vice–Chairmen:	Senator Soles
	Senator Cooper
	Senator Shaw
Ranking Minority:	Senator Allran
Members:	Senators Conder, Parnell, Speed, Hobbs, Hoyle, Rand, Edwards, Albertson, Lucas, Carrington, Hartsell, McDaniel, Webster, Foxx, Blackmon, Smith, and Sawyer

JUDICIARY I/CONSTITUTION

Chairman:	Senator Cooper
Vice–Chairman:	Senator Soles
Ranking Minority:	Senator Simpson
Members:	Senators Odom, Winner, Albertson, Speed, Dannelly, Martin of Guilford, Perdue, Allran, Ballantine, Blackmon, McKoy, McDaniel, and Shaw

JUDICIARY II/ELECTION LAWS

Chairman:	Senator Gulley
Vice–Chairmen:	Senator Ballance
Ranking Minority:	Senator Hartsell
Members:	Senators Plexico, Rand, Kerr, Parnell, Lucas, Jordan, Hoyle, Horton, Davis, Carpenter, Sawyer, Webster, and Forrester

LOCAL GOVERNMENT AND REGIONAL AFFAIRS

Chairman:	Senator Jordan
Vice–Chairman:	Senator Martin of Pitt
Ranking Minority:	Senator Shaw
Members:	Senators Ballance, Soles, Plyler, Albertson, Conder, Hartsell, Carrington, Ledbetter, and Davis

PENSIONS AND RETIREMENT/INSURANCE/STATE PERSONNEL

Co–Chairmen:	Senator Conder
	Senator Soles
Vice–Chairmen:	Senator Parnell
	Senator Martin of Pitt
	Senator Kincaid
Ranking Minority:	Senator Horton

PENSIONS AND RETIREMENT/INSURANCE/STATE PERSONNEL
(continued)

Members:	Senators Sherron, Edwards, Plyler, Shaw, Webster, and McKoy

RULES AND OPERATION OF THE SENATE

Chairman:	Senator Rand
Vice–Chairmen:	Senator Gulley
	Senator Hartsell
Ranking Minority:	Senator Simpson
Members:	Senators Cooper, Soles, Plexico, Plyler, Little, and Ledbetter

TRANSPORTATION

Chairman:	Senator Speed
Vice–Chairmen:	Senator Edwards
	Senator Smith
Ranking Minority:	Senator Kincaid
Members:	Senators Hoyle, Gulley, Parnell, Odom, Sherron, Simpson, Clark, and Carpenter

WAYS AND MEANS

Chairman:	Senator Edwards
Vice–Chairman:	Senator Sherron
Ranking Minority:	Senator Allran
Members:	Senators Plyler, Ballance, Kerr, Martin of Guilford, Martin of Pitt, Hoyle, Odom, Perdue, Warren, Smith, Carrington, East, McDaniel, McKoy, Ballantine, Webster, and Clark

The President recognizes Senator Basnight whose remarks are spread upon the Journal with unanimous consent, as follows:

"Thank you, Mr. President. In speaking to the members of this Body, the charge you certainly understand without any great elaboration. The responsibility is one that you understand, as well, and you also fully understand that in your deliberations those answers that you find that are in the best interest of the people of this State are certainly the reason that you will cast your vote in favor of a better government for all of us in those opportunities that afford itself by serving on these committees.

"I ask that you be prompt and courteous to your Chairmen to allow that person to begin the meeting on time in a fashion as you would like to be treated yourself as a Chairman that you could once be as well. I think it is also equally important that we give the courtesies to the speaker that will be before the committee from time to time and that we do as the Lieutenant Governor has suggested to us, as well, to give them your open attention and certainly what they deserve, an opportunity to be heard.

"I ask that you move with speed, but with deliberation in making the decisions on what you will be confronted with. Tomorrow we have some meetings that will be announced shortly prior to adjournment tonight. Then I would ask that all the Chairmen that have the bills in their box at this time to start scheduling those meetings this week as quickly as you can. We all fully understand that we will be moving from room to room as we settle into our offices. We also understand that the Governor has not presented his budget at this time and won't for some time. And the appropriations process will be a bit slower in picking up some momentum, but they will be meeting. I am certain that the Chairs will be discussing opportunities of mutual interest with the House members so that we can work jointly with our counterparts in a productive way.

"I welcome this opportunity to be a part of your process, to show successes in this Body and the House as well on behalf of the people of this great State of ours. Congratulations to the Chairmen, the Vice Chairs, the Ranking Minority Members as well as all members. If you see changes that you'd like to be a part of for the minority party, would you please contact Senator Cochrane and for the majority party if you would contact Norma Ware. We would certainly encourage you to contact that member that you would like to make a change with in any of the committee assignments. Wish you Godspeed in your efforts. Thank you very much."

APPOINTMENT BY THE GOVERNOR

The President of the Senate directs the Reading Clerk to read, as follows:

STATE OF NORTH CAROLINA

OFFICE OF THE GOVERNOR
RALEIGH 27603–8801

January 27, 1995

The Honorable Dennis Wicker
President of the Senate
State Capitol
Raleigh, North Carolina 27603

Dear Mr. President:

Pursuant to North Carolina General Statute 53–92, I hereby appoint Hal D. Lingerfelt as Commissioner of Banks and submit his name for confirmation by the North Carolina General Assembly by joint resolution. Mr. Lingerfelt will complete the unexpired term of Commissioner William T. Graham which will expire on March 31, 1995 and serve a full term to commence on April 1, 1995 and expire on March 31, 1999.

Enclosed is a copy of Mr. Lingerfelt's resume. Please feel free to contact him directly should you require additional information.

With warmest personal regards.

Sincerely,
S/James B. Hunt Jr.
Governor

Referred to **Commerce Committee.**

EXECUTIVE ORDERS

Executive Orders received (See *Appendix*) are presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 69, Governor's Council on Children, Youth, and Families.

Referred to **Rules and Operation of the Senate Committee.**

Executive Order Number 70, Reissuing Executive Order No. 37, Citizen Access to Public Records Maintained by State Government.

Referred to **Rules and Operation of the Senate Committee.**

Executive Order Number 71, Extending Executive Orders 2, 6, 9, 10, 11, 15, 16, 17, and 19.

Referred to **Rules and Operation of the Senate Committee.**

PAGES

The President recognizes the following pages serving in the Senate this week:

Sarah Elizabeth Cherry, Washington; Mark Clinkscales, Hertford; Jennifer Lind Davis, Elizabeth City; Jessica Luginbuhl, Raleigh; Roy Butler Martin, IV, Nags Head; Mary Elizabeth McNeill, Washington; Justin C. Pleasants, Raleigh; Katherine Howard Roberts, Raleigh; Bradley D. Scheick, Charlotte; Angela Marie Scott, Elizabeth City; Jeffrey E. Tillitt, Castalia; and Crystal Gayle Turnage, Raleigh.

On motion of Senator Basnight, seconded by Senator Perdue, the Senate adjourns at 7:42 P.M. to meet tomorrow, January 31, at 1:30 P.M.

FOURTH DAY

SENATE CHAMBER,
Tuesday, January 31, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, we are reminded that a rich young ruler, feeling a void in his life, asked what he must do to inherit the kingdom of God. You said, 'Keep the commandments, sell all your possessions and come follow me.' The ruler went away sad. It was too much to ask.

"The lesson for us is that we have a fine tradition in surviving adversity.

"Our greatest task is to be good stewards of and to survive the experience of prosperity. As You have blessed us, O God, help us to bless others this day. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, January 30, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Andrew Antoszyk of Charlotte, who is serving the Senate as Doctor of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Shaw, Davis, and Carpenter:
S.B. 93, a bill to license athletic trainers.
Pursuant to G.S. 120–149, an assessment report is required.
Referred to **Finance Committee.**

By Senator Albertson:
S.B. 94, a bill to appropriate funds to the Board of Governors for the University of North Carolina to provide summer internships at the Water Resources Research Institute.
Referred to **Appropriations Committee.**

By Senators Albertson, Blackmon, and Carpenter:
S.J.R. 95, a joint resolution authorizing the Legislative Research Commission to study water issues.
Referred to **Appropriations Committee.**

By Senator Jordan:
S.B. 96, a bill to authorize the Department of Commerce to conduct a feasibility study on the construction and operation of an eastern convention center.
Referred to **Commerce Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Forrester, Ballantine, Carrington, Clark, Cochrane, Conder, Davis, East, Foxx, Hobbs, Hoyle, Little, Simpson, Smith, Webster, Carpenter, and McKoy:
S.B. 97, a bill to provide a one–time tax rebate to each individual taxpayer who resides in this State.
Referred to **Finance Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 3, a bill to provide for a referendum to amend the Constitution to provide for a gubernatorial veto, with a favorable report.

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports (See *Addendum*) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to G. S. 90–210.70(d), the North Carolina Board of Mortuary Science submits an Annual Report containing a Record of Complaints, Auditing and Enforcement.

Pursuant to Part III of Chapter 771 of the 1993 Session Laws, the Election Laws Review Commission submits its Report on the Election Laws of the State of North Carolina.

RESIGNATION

The President of the Senate orders the notification of the resignation of James Earl Danieley from the University of North Carolina Board of Governors presented to the Senate on Wednesday, January 25, referred to **Education/Higher Education Committee.**

On motion of Senator Basnight, seconded by Senator Foxx, the Senate adjourns at 1:41 P.M. to meet tomorrow, February 1, at 1:30 P.M.

FIFTH DAY

SENATE CHAMBER,
Wednesday, February 1, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, at the beginning of each new day we must first deal honestly with things as they are. That should not diminish in us a strong hope that things may yet be better than they are.

"Let that thought be the goal toward which the Senators and staff work today and in the days ahead.

"Give us faith to believe in the possibility of change in ourselves and in our world. Encourage each of us to do all we can to change the bad to good and the good to better until You are satisfied with our labors.

"In Your Name and for Your Sake, we pray. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, January 31, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Charles O. Boyette of Belhaven, and Dr. Julia Nelson of Greenville, who are serving the Senate as Doctors of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Education/Higher Education Committee**:

S.B. 16, a bill directing the State Board of Education to recommend changes in the public school system, with a favorable report.

By Senator Sherron for the **Finance Committee**:

S.B. 13, a bill to further reduce employers' unemployment insurance taxes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill 9529 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

The Chair orders the Committee Substitute bill placed on the Calendar for tomorrow, February 2, for further consideration upon its passage.

ADDITIONAL ENDORSEMENTS

Senators Conder, Perdue, and Davis request to be recorded endorsing a bill previously introduced:

S.B. 6, a bill to amend the Constitution of North Carolina to establish rights for victims of crime.

Senator Perdue requests to be recorded endorsing a bill previously introduced:

S.B. 92, a bill to exempt from the highway use tax fire fighting vehicles owned by all–volunteer fire departments.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Simpson, Cochrane, Hartsell, Little, Allran, Ballantine, Blackmon, Carpenter, Carrington, Clark, Forrester, Foxx, Kincaid, Ledbetter, McDaniel, McKoy, Davis, Horton, and Shaw:

S.B. 98, a bill directing the State Board of Education to develop a plan for the reorganization of the Department of Public Instruction.

Referred to **Education/Higher Education Committee**.

By Senators Simpson, Cochrane, Hartsell, Little, Allran, Ballantine, Blackmon, Carpenter, Carrington, Clark, Forrester, Foxx, Kincaid, Ledbetter, McDaniel, McKoy, Davis, and Shaw:

S.B. 99, a bill to grant additional management flexibility to local boards of education, to ensure that local boards of education are held accountable for the use of that flexibility, and to assess the relationship between expenditures for public schools and student performance.

Referred to **Education/Higher Education Committee**.

By Senators Simpson, Little, Cochrane, Hartsell, Foxx, Carpenter, Forrester, and Davis:

S.B. 100, a bill to restore constitutional powers to the State Board of Education and to make conforming changes.

Referred to **Education/Higher Education Committee**.

By Senators McDaniel, Carrington, East, Foxx, Davis, Carpenter, Forrester, and Sawyer:

S.B. 101, a bill to provide that rules adopted by State agencies do not become effective unless approved by the General Assembly.

Referred to **Judiciary I/Constitution Committee.**

By Senators Parnell, Kerr, and Carpenter:

S.B. 102, a bill to authorize the Legislative Research Commission to study long-term care insurance.

Referred to **Appropriations Committee.**

By Senators Cochrane, Hoyle, Carpenter, Foxx, Forrester, and Kerr:

S.B. 103, a bill to exempt from sales and use tax tangible personal property that is manufactured or purchased for resale by a wholesale merchant or a retailer and then donated to a nonprofit organization to be used for a charitable purpose.

Referred to **Finance Committee.**

By Senators Cochrane, Hoyle, Carpenter, Foxx, Forrester, and Kerr:

S.B. 104, a bill to make technical and clarifying changes to the revenue laws and related statutes.

Referred to **Finance Committee.**

By Senators Martin of Guilford, Edwards, Gulley, and Jordan

S.B. 105, a bill to establish the status of Minority Males Study Commission.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford and Winner:

S.B. 106, a bill to appropriate funds for additional comprehensive school-based adolescent health centers.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford and Winner:

S.B. 107, a bill to appropriate funds to provide home visiting services for certain families, and to authorize an interagency committee to evaluate the Family Outreach Program.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Winner, Allran, and Cooper:

S.B. 108, a bill to provide that adoptions shall be in the district court.

Referred to **Judiciary I/Constitution Committee.**

By Senators Albertson, Warren, Carpenter, and Speed:

S.B. 109, a bill to provide that sales tax preferences for agriculture apply to aquaculture.

Referred to **Finance Committee.**

By Senators Albertson, and Warren:

S.B. 110, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources to fund the Shellfish Lease Program.

Referred to **Appropriations Committee.**

By Senators Albertson and Warren:

S.B. 111, a bill to appropriate funds to the Cooperative Institute for Fisheries Oceanography to continue the Shellfish Enhancement Program.

Referred to **Appropriations Committee**.

By Senators Albertson and Warren:

S.B. 112, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources to fund the Division of Marine Fisheries to increase law enforcement personnel.

Referred to **Appropriations Committee**.

By Senators Albertson and Warren:

S.B. 113, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources to fund the official activities of the Marine Fisheries Commission.

Referred to **Appropriations Committee**.

By Senators Albertson and Warren:

S.B. 114, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources to fund the Shellfish Mapping Program.

Referred to **Appropriations Committee**.

By Senators Winner, Gulley, Cooper, Carpenter, and Odom:

S.B. 115, a bill to authorize the creation of self–insurance trust funds to provide professional liability insurance coverage for State employees and to appropriate funds to a reserve fund to provide the initial funding if the trust is created.

Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senators Winner, Gulley, Cooper, Carpenter, and Odom:

S.B. 116, a bill to amend the laws providing for the defense of State employees from tort claims arising in the scope or course of their employment.

Referred to **Judiciary I/Constitution Committee**.

By Senators Winner, Gulley, Cooper, Carpenter, and Odom:

S.B. 117, a bill to create the State and Local Government Tort Liability and Immunity Study Commission.

Referred to **Appropriations Committee**.

By Senators Winner, Gulley, Cooper, Carpenter, Forrester, Odom, Hobbs, and Kerr:

S.B. 118, a bill to clarify that unpaid volunteer medical directors for emergency medical services (EMS) agencies are covered by the good samaritan statute.

Referred to **Judiciary I/Constitution Committee**.

By Senators Winner, Gulley, Cooper, Carpenter, Hobbs, and Odom:

S.B. 119, a bill to provide qualified immunity to professional engineers who voluntarily provide engineering services during an emergency without compensation.

Referred to **Judiciary I/Constitution Committee**.

By Senators Kerr, Cochrane, Hoyle, Carpenter, Forrester, and Foxx:

S.B. 120, a bill to provide uniform tax treatment of North Carolina obligations and federal obligations.

Referred to **Finance Committee.**

By Senators Kerr, Cochrane, Hoyle, Carpenter, Forrester, Hobbs, and Foxx:

S.B. 121, a bill to increase the Class A inheritance tax credit, to reduce the inheritance and gift tax rates for Class B and C beneficiaries, to conform North Carolina inheritance and gift tax provisions to federal estate and gift tax provisions regarding qualified terminable interest property, and to make other inheritance tax changes.

Referred to **Finance Committee.**

The Chair extends courtesies of the floor to Helen Marvin, former Senator from Gaston County.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 3, a bill to provide for a referendum to amend the Constitution to provide for a gubernatorial veto, upon second reading.

Senator Simpson offers Amendment No. 1 which fails of adoption (23–26).

Senator Cochrane offers Amendment No. 2 which fails of adoption (23–26).

Receiving a three–fifths affirmative majority vote, the bill passes its second reading by roll–call vote, ayes 46, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Webster—46.

Voting in the negative: Senators Ballance, Gulley, and Winner—3.

With unanimous consent, the bill remains before the Senate for further consideration upon its passage upon third reading.

Receiving a three–fifths affirmative majority vote, the bill passes its third reading by roll–call vote, ayes 46, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Webster—46.

Voting in the negative: Senators Ballance, Gulley, and Winner—3.

The bill is ordered sent to the House of Representatives.

The Chair extends courtesies of the floor to Lura Tally, former Senator from Cumberland County.

On motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 2:48 P.M. to meet tomorrow, February 2, at 2:00 P.M.

SIXTH DAY

SENATE CHAMBER,
Thursday, February 2, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Leroy E. Davis, Pastor of Mount Gilead Baptist Church, Durham, North Carolina, as follows:

"Eternal God, our Heavenly Father, 'our Help in ages past; our Hope for years to come; our Shelter from the stormy blast, and our Eternal Home.' All Wise and Beneficent God, we come now to beseech Your Divine Counsel upon these elected and appointed officials. We pray, Dear God, that You will bless them with Your Divine Counsel. We pray that You give them the insight and the vision they need to deal with challenging ideas, ideologies, and philosophies. We pray, our Father, that You will embrace them with Your Love and Your Understanding as they seek to carry out the challenges before them. In the Name of Christ, we pray. Amen"

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, February 1, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. M. W. Wester of Henderson who is serving the Senate as Doctor of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.J.R. 2, a joint resolution informing his Excellency, Governor James B. Hunt, Jr., that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives. (Res. 1)

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 4, a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, with a favorable report.

On motion of Senator Cooper, the bill is placed on the Calendar for Tuesday, February 7.

ADDITIONAL ENDORSEMENT

Senator Foxx requests to be recorded endorsing a bill previously introduced:

S.B. 118, a bill to clarify that unpaid volunteer medical directors for emergency medical services (EMS) agencies are covered by the good samaritan statute.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Webster, Davis, East, Little, Forrester, Allran, Horton, Foxx, Carrington, McDaniel, Hartsell, Kerr, Cochrane, Ballantine, and Shaw:

S.J.R. 122, a joint resolution authorizing the Legislative Research Commission to study interstate tax cooperation to eliminate multiple filing by individuals who owe income tax to more than one state.

Referred to **Appropriations Committee.**

By Senators Kincaid, Cochrane, McDaniel, Webster, Forrester, Carrington, Ballantine, Foxx, East, Davis, Horton, Smith, Little, Simpson, Ledbetter, Clark, McKoy, Blackmon, Hartsell, and Carpenter:

S.B. 123, a bill to repeal the intangibles tax, to reimburse local governments for their resulting revenue loss, and to phase in State funding of mandated local programs as reimbursement in future years.

Referred to **Finance Committee.**

By Senator Parnell:

S.J.R. 124, a joint resolution providing for the confirmation of the appointment of Hal D. Lingerfelt as Commissioner of Banks.

Referred to **Commerce Committee.**

By Senators Carpenter, Martin of Pitt, Cochrane, Speed, Parnell, and Foxx:

S.B. 125, a bill to remove the sunset on reverse mortgages.

Referred to **Commerce Committee.**

By Senators Cochrane, Carpenter, Speed, Martin of Pitt, Perdue, Hoyle, and Parnell:

S.B. 126, a bill to create the long–term care subcommittee and to provide for the creation of other subcommittees of the North Carolina Study Commission on Aging and to make changes to the long–term care law.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Cochrane, Carpenter, Speed, Martin of Pitt, Perdue, Hoyle, Parnell, and Foxx:

S.B. 127, a bill to impose criminal penalties for the abuse, neglect, or exploitation of disabled or elder adults living in a domestic setting.

Referred to **Judiciary I/Constitution Committee.**

By Senators Cochrane, Carpenter, Speed, Martin of Pitt, Hoyle, Parnell, and Martin of Guilford:

S.B. 128, a bill to appropriate funds to increase funding for in–home aide services and caregiver support services.

Referred to **Appropriations Committee.**

By Senators Martin of Pitt, Hoyle, and Cochrane:

S.B. 129, a bill to appropriate funds to increase funding to the North Carolina Elderly and Disabled Transportation Assistance Program.

Referred to **Appropriations Committee.**

By Senators Martin of Pitt, Hoyle, Carpenter, and Foxx:

S.B. 130, a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Workers' Pension Fund and the monthly member contribution and to declare the intent of the legislature to provide cost–of–living increases, as funds are available.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Jordan, Warren, Kerr, Martin of Pitt, and Ballance:

S.B. 131, a bill to appropriate funds to the Rural Economic Development Center, Incorporated, for job training in Eastern North Carolina.

Referred to **Appropriations Committee.**

COMMITTEE APPOINTMENTS

The President *Pro Tempore* announces changes in assignments to Standing Committees as follows:

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES

Senator Plexico is named Vice–Chairman.
Senator Cochrane is named Ranking Minority Member.
Senator Horton and Senator Kincaid are appointed.
Senator Ballantine and Senator McDaniel are removed.

APPROPRIATIONS

BASE BUDGET

Senator Blackmon and Senator Carrington are named Vice–Chairmen.

COMMERCE

Senator Edwards, Senator Forrester, and Senator Ballantine are appointed.
Senator Sawyer is removed.

EDUCATION/HIGHER EDUCATION

Senator Hartsell is named Vice–Chairman.
Senator Cooper and Senator Simpson are appointed.

JUDICIARY I/CONSTITUTION

Senator Odom and Senator Winner are named Vice–Chairmen.

JUDICIARY II/ELECTION LAWS

Senator Kerr is named Vice–Chairman.
Senator Kincaid is appointed.
Senator Forrester is removed.

LOCAL GOVERNMENT AND REGIONAL AFFAIRS
Senator Plyler is removed.

PENSIONS AND RETIREMENT/INSURANCE/STATE PERSONNEL
Senator Shaw is named Ranking Minority Member.
Senator Speed, Senator Odom, Senator Smith, Senator Carpenter and Senator McDaniel are appointed.
Senator Horton is removed.

TRANSPORTATION
Senator Gulley is named Vice–Chairman.
Senator Simpson is named Ranking Minority Member.
Senator Carrington is appointed.
Senator Kincaid is removed.

WAYS AND MEANS
Senator Sawyer is appointed.
Senator McDaniel is removed.

RULES AND OPERATION OF THE SENATE
Senator Simpson is named Vice–Chairman.
Senator Hartsell is named Ranking Minority Member.
Senator Jordan and Senator Horton are appointed.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 13 (Committee Substitute), a bill to further reduce employers' unemployment insurance taxes, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, February 6, for further consideration, upon third reading.

S.B. 16, a bill directing the State Board of Education to recommend changes in the public school system.

The bill passes its second (48–0) and third readings and is ordered sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Dannelly, the Senate adjourns at 2:56 P.M. to meet Monday, February 6, at 7:00 P.M.

SEVENTH DAY

SENATE CHAMBER,
Monday, February 6, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, if the weekends already seem shorter and the distance between home and Raleigh seems greater, encourage the Senators and staff by reassuring them that this is, for a time, a place to which You have called them.

"The kind of work You call us to do, our vocation, is usually the kind of work that we need most to do and that the world most needs to have done.

"So let this Senate Chamber be that place of calling, a place where a deep gladness to serve and the deep needs of our State's people meet. Hear and answer our prayer, O Lord. Amen."

Senator Conder, Majority Leader, announces the Journal of Thursday, February 2, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Hartsell, to attend a meeting of the Cabarrus County Board of Commissioners; to Senator Smith, for scheduled health tests; and to Senator Cooper, due to medical reasons.

The President of the Senate extends courtesies of the floor to Dr. Charles H. Mann of Cary, who is serving the Senate as Doctor of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Kincaid:
S.B. 132, a bill to change the pay date for the Caldwell County Schools.
Referred to **Education/Higher Education Committee.**

By Senator Carpenter:
S.B. 133, a bill to allow Graham County to employ attachment or garnishment and to obtain a lien for ambulance services and to make it a misdemeanor to obtain ambulance services without intent to pay or to make an unneeded ambulance request in Graham County.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Plyler:
S.B. 134, a bill to increase the amount that is deposited in the Repairs and Renovations Reserve Account each year and to limit the purposes for which funds in the Reserve Account may be used.
Referred to **Appropriations Committee.**

By Senators Plyler, Perdue, and Odom:

S.B. 135, a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes.

Referred to **Appropriations Committee.**

By Senators Plyler, Perdue, and Odom:

S.B. 136, a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, and for other purposes.

Referred to **Appropriations Committee.**

By Senators Odom, Plyler, and Perdue:

S.B. 137, a bill to appropriate funds for capital improvements for State departments, institutions, and agencies, and for other purposes.

Referred to **Appropriations Committee.**

By Senators Odom, Plyler, and Perdue:

S.B. 138, a bill to enact the 1995 base budget for current operations of State departments, institutions, and agencies, and for other purposes.

Referred to **Appropriations Committee.**

By Senators McKoy, Ballance, Jordan, and Lucas:

S.B. 139, a bill to eliminate the detrimental use of labeling and tracking a child with special needs.

Referred to **Education/Higher Education Committee.**

By Senators Carpenter, Albertson, Kerr, Little, Clark, Ledbetter, Parnell, Perdue, Foxx, Davis, Smith, Hoyle, McDaniel, East, Ballantine, Allran, Warren, Cochrane, Martin of Pitt, Hartsell, Lucas, Dannelly, Speed, Edwards, Blackmon, Jordan, and Forrester:

S.B. 140, a bill to require the observance of a moment of silence in all school units and to ensure freedom of religion in the public schools.

Referred to **Education/Higher Education Committee.**

By Senators Perdue, Plyler, and Odom:

S.B. 141, a bill to appropriate funds to provide capital improvements for State departments, institutions, and agencies, and for other purposes.

Referred to **Appropriations Committee.**

By Senators Perdue, Plyler, and Odom:

S.B. 142, a bill to appropriate funds for current operations of State departments, institutions, and agencies, and for other purposes.

Referred to **Appropriations Committee.**

By Senators Ballance, Dannelly, Edwards, Jordan, Lucas, Martin of Guilford, and McKoy:

S.B. 143, a bill to repeal the restrictions on dealings with South Africa now that the policies of that Country have changed.

Referred to **Commerce Committee.**

CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

S.B. 13 (Committee Substitute), a bill to further reduce employers' unemployment insurance taxes, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—43.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

COMMITTEE APPOINTMENTS

The President *Pro Tempore* announces clarification of assignments to Standing Committees announced on Thursday, February 2, as follows:

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES

Senator Cochrane is redesignated Ranking Minority Member.

Senator Shaw remains a member of the Committee.

RULES AND OPERATION OF THE SENATE

Senator Hartsell is redesignated Ranking Minority Member.

PAGES

The President recognizes the following pages serving in the Senate this week:

Jane Anthony, Washington; Amanda Leigh Barker, Dallas; Eric Thomas Boggs, Dallas; Miles Christian Daniels, Wanchese; Joshua Sykes Davis, Elizabeth City; Samuel John Davis, Elizabeth City; Donald Etheridge, Manteo; Caroline A. Fisher, Charlotte; Elizabeth Garner, Washington; Trenton Harris Johnston, Matthews; Evan E. Martin, Charlotte; Sheereen Miller, Charlotte; James O'Neal, Jr., Washington; Kelly Phillips, Washington; Kathryn Blair Strickland, Greenville; and Leslie Jill Strickland, Shelby.

On motion of Senator Basnight, seconded by Senator Little, the Senate adjourns at 7:14 P.M. to meet tomorrow, Tuesday, February 7, at 1:30 P.M.

EIGHTH DAY

SENATE CHAMBER,
Tuesday, February 7, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"We unite our hearts, O God, in this prayer that You will teach us how to trust in You as a Heavenly Father Who loves us and Who is concerned about what we do and what we are. It is not that we have no faith; it is more likely that we are reluctant to put our faith into action.

"So teach us, before we head off in our own direction, that You are willing to lead us, to show us what to do, allowing us to be partners with You in doing always what is right. We pray earnestly for such a partnership today. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, February 6, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Smith, due to medical tests.

The President of the Senate extends courtesies of the floor to Dr. Sam Atkinson of Greenville, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 27, a bill to repeal the prison population cap, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 7535 is placed before the Senate for immediate consideration, and on his further motion is adopted.

The Chair orders the measure placed on the Calendar for Wednesday, February 8, for further consideration.

By Senator Parnell for the **Commerce Committee:**

S.J.R. 124, a joint resolution providing for the confirmation of the appointment of Hal D. Lingerfelt as Commissioner of Banks, with a favorable report.

By Senator Sherron for the **Finance Committee:**

S.B. 8, a bill to repeal the intangibles tax and to reimburse local governments for their resulting revenue loss, with a favorable report, as amended.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Shaw and Carpenter:

S.B. 144, a bill to increase the intangibles tax minimum filing threshold to five hundred dollars.

Referred to **Finance Committee**.

By Senators McDaniel, Foxx, Carrington, Horton, McKoy, Clark, Carpenter, and Ledbetter:

S.B. 145, a bill to establish a State Employee Incentive Program.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee**.

By Senators Albertson and Carpenter:

S.B. 146, a bill to amend the Seed Law.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Jordan and Carpenter:

S.B. 147, a bill to require the Department of Environment, Health, and Natural Resources to develop a program to monitor the environmental and biological effects of pesticide use and prepare an annual report of pesticide–related illnesses, injuries, and deaths, and to make certain technical corrections.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Jordan and Carpenter:

S.B. 148, a bill to require private applicators of restricted use pesticides to report their pesticide use and, in order to be eligible for recertification, to complete additional training.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Jordan and Carpenter:

S.B. 149, a bill to require an environmentalist and a farmworker advocate to be appointed to the North Carolina Pesticide Board.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Jordan and Carpenter:

S.B. 150, a bill to require an organic farmer, an environmentalist, and a farmworker advocate to be appointed to the Pesticide Advisory Committee.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Jordan and Carpenter:

S.B. 151, a bill to impose a tax upon motor oil at the point of first sale and to establish the Used Oil Collection Program to encourage the proper management of used oil generated by private citizens who change their own oil.

Referred to **Finance Committee**.

By Senators Kerr and Carpenter:

S.B. 152, a bill to provide that the Department of Transportation shall pay for the nonbetterment relocation of sanitary district utilities.

Referred to **Transportation Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following joint resolution which is read the first time and disposed of, as follows:

H.J.R. 91, a joint resolution providing for the confirmation of the appointment of Hal D. Lingerfelt as Commissioner of Banks.

On motion of Senator Parnell, the rules are suspended, without objection, and the joint resolution is placed on the Calendar for tomorrow for consideration in its regular order of business.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee:**

S.B. 52, a bill to create the State–Owned Submerged Lands Advisory Committee and to require that the Advisory Committee make its final report to the General Assembly on or before May 1, 1995, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the proposed Committee Substitute bill 1534 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

S.B. 4, a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, upon second reading.

Receiving a three–fifths affirmative majority vote, the bill passes its second reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

With unanimous consent the bill remains before the Senate for further consideration upon third reading.

Receiving a three–fifths affirmative majority vote, the bill passes its third reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

REMARKS

Senator Carpenter rises and offers remarks which, upon motion of Senator Allran, are spread upon the Journal, as follows:

"Thank you, Mr. President. Senator Conder and I were talking after Session last night about the death of a great man from the mountains. His name is James Plexico. This fine, fine gentleman was well on his way to his hundred and first birthday, and happened to be the grandfather of Senator Clark Plexico. Many of you remember Reverend Clyde Plexico, Clark's dad, and he did our chaplain prayers for a week, back when Clark was a freshman. Clyde and his deceased father were both Presbyterian ministers; so, Clark, we offer you our condolences here in the Senate, and we congratulate you on the fine eulogy that you delivered at the funeral at High Point last Saturday. I would simply say, may his soul and the souls of all the faithful departed to the mercy of God rest in peace."

RECALL FROM COMMITTEE

S.B. 52 (Committee Substitute), a bill to create the State–Owned Submerged Lands Advisory Committee and to require that the Advisory Committee make its final report to the General Assembly on or before May 1, reported from the **Agriculture/Environment/Natural Resources Committee** and re–referred to the **Appropriations Committee** earlier today.

Pursuant to Rule 47(b), Senator Plyler offers a motion the Committee Substitute bill be taken from the **Appropriations Committee** and placed on the Calendar for tomorrow, Wednesday, February 8, upon its passage, which motions prevail.

The Chair orders the Committee Substitute bill taken from the **Appropriations Committee** and placed on the Calendar for tomorrow, February 8, for consideration upon its passage.

COMMITTEE APPOINTMENTS

Senator Basnight, President *Pro Tempore*, announces further appointments to Standing Committees announced on Monday, February 6, as follows:

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES

Senator McDaniel is re–appointed.

Senator Carrington is removed.

On motion of Senator Basnight, seconded by Senator Edwards, the Senate adjourns at 2:02 P.M. to meet tomorrow, February 8, at 1:30 P.M.

NINTH DAY

SENATE CHAMBER,
Wednesday, February 8, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. James B. Lankford, Director of Ministries, Tabor City Baptist Church, Tabor City, as follows:

"Our Heavenly Father, as we open the Session of the North Carolina Senate, we pause to recognize that You are our God. We pause to remind ourselves that Your Ways are higher than our ways and Your Thoughts purer than our thoughts.

"Father, the problems facing our Senate today and every day require wisdom beyond the cognitive ability of mankind. You have promised that if we will ask You for wisdom that You will give it liberally without finding fault. You only require that we believe and not doubt.

"My prayer is that all of our legislators accept and use that Divine Wisdom. I pray that they will be courageous, compassionate, honest, and fair.

"Help them to know that a positive example, whether here on the Senate floor or on Main Street in their home district, is more powerful than a dozen laws. I pray, Holy Father, that their actions will be actions You can bless.

"In the name of Jesus Christ, my Lord and Saviour, I pray, Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, February 7, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Smith due to scheduled medical tests.

The President of the Senate extends courtesies of the floor to Dr. Daniel B. Jobe of Winston-Salem, who is serving the Senate as Doctor of the Day.

CALENDAR

H.J.R. 91, a joint resolution providing for the confirmation of the appointment of Hal D. Lingerfelt as Commissioner of Banks, on today's Calendar.

With unanimous consent, upon motion of Senator Parnell, the joint resolution is placed on the Calendar as the first order of business.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Kincaid:
S.B. 153, a bill to remove the requirements that Granite Falls ABC stores be audited quarterly.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Simpson:
S.B. 154, a bill to increase the minimum property damage amount for a reportable motor vehicle accident and to resolve inconsistencies in the law concerning accident reports.
Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Simpson:
S.B. 155, a bill to authorize the Division of Motor Vehicles to issue a temporary license plate that is valid for up to sixty days.
Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Perdue:
S.B. 156, a bill to provide that firefighters and emergency medical service personnel may possess or carry weapons on school grounds when discharging their official duties.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Jordan, Soles, and Ballantine:
S.B. 157, a bill to appropriate funds for a Marine Sciences Research and Education Center at the University of North Carolina at Wilmington.
Referred to **Appropriations Committee.**

By Senators Albertson, Warren, Parnell, Hoyle, McDaniel, Lucas, Carpenter, Davis, Smith, Hobbs, Martin of Guilford, Dannelly, Martin of Pitt, Odom, Kerr, Hartsell, and Plexico:
S.B. 158, a bill to provide funds for law enforcement officers to ensure school safety.
Referred to **Appropriations Committee.**

By Senators Hartsell, Winner, Cochrane, Allran, and Plexico:
S.B. 159, a bill to rewrite Chapter 48 of the General Statutes relating to adoption as recommended by the General Statutes Commission.
Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Winner, Gulley, Odom, Carpenter, and Cooper:
S.B. 160, a bill to require the State to defend county child protective services social workers, adult protective services social workers, and foster care social workers from liability arising from the performance of their official duties.
Referred to **Judiciary I/Constitution Committee.**

By Senators Martin of Pitt and Warren:

S.B. 161, a bill to appropriate funds for the Eastern North Carolina Agricultural Center.

Referred to **Appropriations Committee.**

By Senator Hoyle:

S.B. 162, a bill to delay the effective date of the changes made in 1994 to the laws concerning the tinting of windows on motor vehicles.

Referred to **Transportation Committee.**

CALENDAR

Bills and a resolution on the Calendar are taken up and disposed of, as follows:

H.J.R. 91, a joint resolution providing for the confirmation of the appointment of Hal D. Lingerfelt as Commissioner of Banks, placed as the first order of business earlier today.

Voting to confirm the appointment of Hal D. Lingerfelt as Commissioner of Banks are: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—46.

The joint resolution passes its second (46–0) and third readings. The joint resolution is ordered enrolled.

The Chair extends courtesies of the gallery to Commissioner Lingerfelt and offers congratulations on behalf of the Senate.

REPORTS OF COMMITTEES

Bills are reported from standing committees out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee:**

S.B. 75, a bill to allow an extension of time for the City of Raeford to file an application for a sales tax refund, with a favorable report.

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 5, a bill to amend the Constitution to change the composition of the State Board of Education and make the Superintendent of Public Instruction an appointee of the State Board of Education, and to make corresponding statutory changes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 8535 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

The Chair orders the Committee Substitute bill placed on the Calendar for tomorrow, Thursday, February 9, upon second reading.

CALENDAR (Continued)

S.B. 8, a bill to repeal the intangibles tax and to reimburse local governments for their resulting revenue loss, upon second reading.

On motion of Senator Kerr, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, February 9, for further consideration upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.J.R. 91, a joint resolution providing for the confirmation of the appointment of Hal D. Lingerfelt as Commissioner of Banks. (Res. 2)

The Chair declares the Commissioner of Banks confirmed and orders statutory notification pursuant to G.S. 143-47.7.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.J.R. 2 House of Representatives
February 8, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information pursuant to **SJR 2** – A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the Speaker has appointed

the following members of the House of Representatives to serve with a like committee of the Senate to invite, greet, and escort the Governor to the Joint Session:

Representative Daughtry,
Representative Black,
Representative Russell,
Representative Cummings,
Representative Blue, and
Representative Thompson

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR (Continued)

S.B. 27 (Committee Substitute), a bill to repeal the prison population cap.

With unanimous consent, on motion of Senator Odom the Committee Substitute bill is temporarily displaced.

S.B. 52 (Committee Substitute), a bill to create the State–Owned Submerged Lands Advisory Committee and to require that the Advisory Committee make its final report to the General Assembly on or before May 1, 1995.

The Committee Substitute bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives.

S.B. 27 (Committee Substitute), a bill to repeal the prison population cap, temporarily displaced earlier.

The Committee Substitute bill passes its second (48–0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 124, a joint resolution providing for the confirmation of the appointment of Hal D. Lingerfelt as Commissioner of Banks.

On motion of Senator Parnell, the joint resolution is recommitted to the **Commerce Committee.**

REPORT TO GENERAL ASSEMBLY

A Board, Commission, or Agency directed to report to the General Assembly submits a report (See *Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 321, Section 302 of the 1993 Session Laws, the North Carolina Department of Commerce submits the Petroleum Overcharge Expenditure Report.

ESCORT COMMITTEE

The Chair recognizes Senator Basnight, President *Pro Tempore*, who appoints Senator Soles, Senator Conder, Senator Ballance, and Senator Cochrane to greet and escort the Honorable James B. Hunt, Jr., Governor, to the Joint Session of the General Assembly tomorrow, Thursday, February 9, pursuant to Resolution 1.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Basnight, seconded by Senator Webster, the Senate adjourns at 2:29 P.M. to meet tomorrow, Thursday, February 9, at 10:00 A.M.

TENTH DAY

SENATE CHAMBER,
Thursday, February 9, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, the state of the State is always a top–of–mind issue for the men and women of the Senate. The state of the State is why they labor long hours in committee meetings and in this Chamber.

"Remind us also that the state of our relationship with You, O God, is of even greater importance because the vision that we glorify in our minds, the ideal that we enthrone in our hearts—this we shall build our lives by, this we shall become.

"In Your Holy Name we pray, Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, February 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Smith, due to scheduled medical tests.

The President of the Senate extends courtesies of the floor to Dr. R. V. Liles of Albemarle, who is serving the Senate as Doctor of the Day.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Soles:

S.B. 163, a bill to appoint members of the Whiteville City Board of Education.

Referred to **Local Government and Regional Affairs Committe** pursuant to Rule 43.

On motion of Senator Soles, the rules are suspended, and the bill is placed on the Calendar for today for consideration upon its passage over the recommendation for referral to committee.

By Senators Odom, Hobbs, Jordan, Plexico, Conder, Plyler, Parnell, Sherron, Lucas, Edwards, Ballance, Blackmon, Winner, Warren, Hoyle, Forrester, Albertson, Carpenter, Carrington, and Gulley:

S.B. 164, a bill to mandate criminal history checks of all foster parents in licensed family foster homes and to appropriate funds.

Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Odom, Hobbs, Plexico, Jordan, Conder, Plyler, Parnell, Sherron, Lucas, Edwards, Ballance, Winner, Warren, Hoyle, Forrester, Albertson, Carpenter, Carrington, and Gulley:

S.B. 165, a bill to mandate criminal history checks of child day care providers, to study the use of the Central Registry on Child Abuse and Neglect, and to appropriate funds.

Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Kerr, Ballance, and Hartsell:

S.B. 166, a bill to amend certain provisions of law that regulate attorneys–at–law.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Kerr and Hoyle:

S.B. 167, a bill to allow counties not to bill for certain property taxes when the amount due on the tax bill is less than the cost of preparing and sending the bill.

Referred to **Finance Committee.**

By Senators Ballance, Kincaid, Foxx, and McDaniel:

S.B. 168, a bill requiring just compensation for taking of outdoor advertising.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Odom, Blackmon, Winner, and Dannelly:

S.B. 169, a bill to require the Department of Environment, Health, and Natural Resources to inspect oil terminal facilities in the State and monitor these facilities to determine whether oil is leaking from aboveground storage tanks at the facilities to the land, waters, or air of the State and to appropriate funds to the Department to implement this act.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Odom:

S.B. 170, a bill to eliminate double taxation of a motor vehicle when the owner moves away and then returns to the State within one year.

Referred to **Finance Committee.**

By Senators Foxx, McDaniel, Kincaid, Carrington, Blackmon, Clark, Ledbetter, Horton, McKoy, Simpson, Cochrane, Shaw, Sawyer, Forrester, Little, Davis, Webster, Carpenter, Hartsell, and Allran:

S.B. 171, a bill to limit the liability of landowners to members of the public entering the land for educational and recreational purposes.

Referred to **Judiciary I/Constitution Committee.**

By Senators Jordan, Soles, and Ballantine:

S.B. 172, a bill to appropriate funds for a Marine Sciences Research and Education Center at the University of North Carolina at Wilmington.

Referred to **Appropriations Committee.**

By Senators Jordan and Plexico:

S.B. 173, a bill to require that, for a permanent rule, agencies give notice of proposed rule-making proceedings, followed by publishing the proposed text of the permanent rule or publishing a subject matter notice of the rule and to provide for optional publishing of agendas that describe the substantive areas with respect to a proposed rule.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Jordan and Plexico:

S.B. 174, a bill to prohibit the aerial application of pesticides within three hundred feet of a residence and to prohibit the aerial application of pesticides without notifying occupants of nearby buildings twenty-four hours before the application.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senator Jordan:

S.B. 175, a bill to remove the exemption that prevented the State from regulating mining on federal land.

Referred to **Commerce Committee.**

By Senators Plexico, Winner, Jordan, Hobbs, Conder, and Plyler:

S.R. 176, a Senate simple resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina.

Referred to **Education/Higher Education Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 163, a bill to appoint members of the Whiteville City Board of Education, placed earlier today on the Calendar upon its passage.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 8, a bill to repeal the intangibles tax and to reimburse local governments for their resulting revenue loss, as amended, upon third reading.

Senator Gulley offers Amendment No. 2, held to be material, and proposing to change the title to read, **S.B. 8**, a bill to repeal the intangibles tax and to raise revenues to provide funds to reimburse local governments for their resulting revenue loss. Amendment No. 2 fails of adoption (7-39) and the question reverts to passage of the bill, as amended.

The bill, as amended, passes its third reading by roll–call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 5 (Committee Substitute), a bill to amend the Constitution to change the composition of the State Board of Education and make the Superintendent of Public Instruction an appointee of the State Board of Education, and to make corresponding statutory changes, upon second reading.

Senator Cochrane offers Amendment No. 1 which is adopted (47–1).

Receiving a three–fifths affirmative majority vote, the Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

With unanimous consent, the Committee Substitute bill, as amended, remains before the Senate for further consideration upon its third reading.

Receiving a three–fifths affirmative majority vote, the Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 75, a bill to allow an extension of time for the City of Raeford to file an application for a sales tax refund.

The bill passes its second (46–0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.J.R. 2

House of Representatives
February 9, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **SJR 2**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the House of Representatives stands ready to receive the Senate in Joint Session.

Respectfully,
S/Denise Weeks
Principal Clerk

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives pursuant to **S.J.R. 2**, a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives.

Senator Basnight offers a motion, seconded by Senator McKoy, that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session, for the purpose of receiving the State–of–the–State address and on his further motion, upon dissolution of the Joint Session, to adjourn to meet Monday, February 13, at 8:00 P.M., which motions prevail.

The Chair declares the Senate in recess. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing.

The Speaker continues to preside and recognizes the Sergeant–at–Arms of the House of Representatives who announces the members of the Governor's Cabinet. The Speaker directs the Sergeant–at–Arms to open the doors of the House of Representatives and to escort the members of the Governor's Cabinet to their seats.

The Speaker recognizes the Sergeant–at–Arms of the House of Representatives who announces the Chief Judge and Associate Judges of the North Carolina Court of Appeals. The Speaker directs the Sergeant–at–Arms to open the doors of the House of Representatives and to escort the Chief Judge and Associate Judges of the North Carolina Court of Appeals to their seats.

The Speaker recognizes the Sergeant–at–Arms of the House of Representatives who announces the members of the Council of State. The Speaker directs the Sergeant–at–Arms to open the doors of the House of Representatives and to escort the members of the Council of State to their seats.

The Speaker recognizes the Sergeant–at–Arms of the House of Representatives who announces the Chief Justice and Associate Justices of the Supreme Court of North Carolina. The Speaker directs the Sergeant–at–Arms to open the doors of the House of Representatives and to escort the Chief Justice and Associate Justices of the Supreme Court of North Carolina to their seats.

The Speaker extends courtesies of the gallery to Mrs. James B. Hunt, Jr., wife of the Governor; Mrs. Dennis A. Wicker, wife of the Lieutenant Governor; and all guests.

Speaker Brubaker relinquishes the gavel to Lieutenant Governor Dennis A. Wicker, President of the Senate, who presides.

The President of the Senate recognizes the Sergeant–at–Arms of the House of Representatives, who announces the presence of His Excellency, the Governor, the Honorable James B. Hunt, Jr. The President of the Senate directs the Sergeant–at–Arms of the House of Representatives and the Senate to escort the Committees appointed by the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives to escort the Governor to the Well of the House of Representatives. Senator Soles presents the Governor to the President of the Senate. The President of the Senate presents His Excellency, Governor James B. Hunt, Jr., to the General Assembly who delivers the State–of–the–State address to the 1995 General Assembly. (See *Appendix*)

On motion of Senator Basnight, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate stands adjourned at 12:35 P.M. to meet Monday, February 13, at 8:00 P.M.

ELEVENTH DAY

SENATE CHAMBER,
Monday, February 13, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"At the beginning of a new week in the Senate, O God, let us hear again Your Words, 'Choose this day whom you will serve.'

"In all the great and small choices that we shall be asked to make, be in our hearts and in our choosing so that we may come to each day's end knowing we have chosen wisely. For Your sake, Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, February 9, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written. (43–1)

With unanimous consent, the President grants a leave of absence for tonight to Senator Cochrane due to illness; to Senator Plyler due to illness; and to Senator Smith due to hospitalization for medical tests.

The President of the Senate extends courtesies of the floor to Dr. Derek Prentice of Raleigh, who is serving the Senate as Doctor of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Carpenter, Clark, and Ledbetter:
S.B. 177, a bill to provide for the seizure of a motor vehicle used by a person driving with a permanently revoked drivers license.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Foxx and East:
S.B. 178, a bill to change the pay date for the Alleghany School Administrative Unit.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Foxx and East:
S.B. 179, a bill to modify the membership of the Rockingham Tourism Development Authority.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Shaw, Blackmon, and Gulley:
S.B. 180, a bill to authorize certain businesses to file quarterly reports with the Employment Security Commission by telephone, or to be exempt from filing quarterly reports, under certain circumstances.
Referred to **Finance Committee.**

By Senator Soles:
S.B. 181, a bill exempting Columbus County Hospital, Inc., from certain rules and regulations of the Local Government Commission.
Referred to **Judiciary I/Constitution Committee.**

ADDITIONAL ENDORSEMENTS

Senator Carrington requests to be recorded endorsing bills previously introduced, as follows:

S.B. 164, a bill to mandate criminal history checks of all foster parents in licensed family foster homes and to appropriate funds.

S.B. 165, a bill to mandate criminal history checks of child day care providers, to study the use of the Central Registry on Child Abuse and Neglect, and to appropriate funds.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

S.B. 3 (House Committee Substitute), a bill to provide for a referendum to amend the Constitution to provide for a gubernatorial veto, for concurrence in the House Committee Substitute bill.

Recommitted to **Judiciary I/Constitution Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 70, a bill to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes.

Referred to **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
February 13, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that as a result of the February 7, 1995 election, Cynthia B. Watson has been administered her oath of office as a member of the House of Representatives from the 10th House District for the 141st Session of the North Carolina General Assembly.

Respectfully,
S/Denise Weeks
Principal Clerk

PAGES

The President recognizes the following pages serving in the Senate this week:

Joshua Boyd, Durham; Candice Leigh Brown, Tarboro; Rheta Ruth Burton, Blanch; Cindy Clark, Wake Forest; Asa Zane Davis, Roxboro; Michael Harris, Shelby; Emily Blake Hinman, Winston-Salem; Karen Kiser, Concord; Suzanne Markham, Wake Forest; Carrie Marie Niblick, Kannapolis; Stewart Casey Noblett, Roxboro; and Justin David Ridge, Charlotte.

On motion of Senator Basnight, seconded by Senator McDaniel, the Senate adjourns at 8:15 P.M. to meet tomorrow, Tuesday, February 14, at 2:00 P.M.

TWELFTH DAY

SENATE CHAMBER,
Tuesday, February 14, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Quoting an excerpt from a sermon by Dr. R. Wayne Stacy, at First Baptist Church, Raleigh, delivered January 19, 1995, prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, it may seem not a little strange to pray about love in this Senate Chamber even though the rest of the world on this day is so wrapped up in its celebration. Maybe that's because in contemporary parlance love for us means almost exclusively a feeling, an emotion, a sentiment—never engaging the mind or the judgment or the will. Love has become a noun.

"But when the greatest Biblical Law ever written commands us to Love You first and then our neighbors as our selves, we realize that love is a way of life—a verb.

"It's not easy, this way called love. It takes courage, a square jaw, a clear mind, a thick skin and a short memory. This love takes patience and kindness and hope and endurance and commitment and faith, so that the good of the other is regarded as indistinguishable from one's own.

"That is precisely the kind of love that must be exercised every day in the place. Help each of us to live out this way of love, this way of life which you have taught by example. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Smith due to hospitalization for medical tests, and to Senator Dannelly to attend funeral of a family member.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, February 13, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (38–0).

The President of the Senate extends courtesies of the floor to Dr. J. Vincent Arey of Concord, who is serving the Senate as Doctor of the Day.

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Parnell for the **Commerce Committee:**

S.B. 143, a bill to repeal the restrictions on dealings with South Africa now that the policies of that Country have changed, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Gulley, Carpenter, and Hartsell:
S.B. 182, a bill to provide that if a candidate died before the primary election in 1994, a refund of the filing fee shall be paid to the estate of the candidate.
Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Parnell, Hartsell, Foxx, Carpenter, and Ballantine:
S.B. 183, a bill to increase the penalties for drug sales.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Parnell, Carpenter, and Hartsell:
S.B. 184, a bill to relabel misdemeanor prior conviction levels.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Parnell, Carpenter, and Hartsell:
S.B. 185, a bill to create a new offense class and punishment row for misdemeanor assaults.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Parnell, Carpenter, and Hartsell:
S.B. 186, a bill to extend the Sentencing Commission.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Parnell, Hartsell, Foxx, Carpenter, and Ballantine:
S.B. 187, a bill to include impaired driving convictions in felony prior record level calculation.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Rand, Perdue, Cochrane, Foxx, Edwards, and Ballantine:
S.B. 188, a bill to require revocation of the licensing privileges of a person who is delinquent in child support payments.
Referred to **Judiciary II/Election Laws Committee.**

By Senator Sherron:
S.B. 189, a bill relating to fees.
Referred to **Finance Committee.**

By Senator Sherron:
S.B. 190, a bill relating to fees.
Referred to **Finance Committee.**

By Senators Sherron:
S.B. 191, a bill relating to fees.
Referred to **Finance Committee.**

By Senator Sherron:
S.B. 192, a bill to amend the tax law.
Referred to **Finance Committee.**

By Senator Sherron:
S.B. 193, a bill to amend the tax law.
Referred to **Finance Committee.**

By Senator Sherron:
S.B. 194, a bill to amend the tax law.
Referred to **Finance Committee.**

By Senator Sherron:
S.B. 195, a bill relating to the issuance of bonds.
Referred to **Finance Committee.**

By Senator Sherron:
S.B. 196, a bill relating to the issuance of bonds.
Referred to **Finance Committee.**

By Senator Sherron:
S.B. 197, a bill relating to the issuance of bonds.
Referred to **Finance Committee.**

By Senators Rand, Plexico, Jordan, Edwards, Odom, Hobbs, Conder, Parnell, Ballance , Lucas, Soles, Speed, Cooper, Martin of Guilford, Gulley, Perdue, Kerr, Warren, Albertson, Dannelly, Martin of Pitt, Hoyle, Sherron, Davis, Hartsell, Ballantine, Ledbetter, Forrester, Simpson, Carpenter, Plyler, East, and Webster:
S.B. 198, a bill to appropriate funds for low–wealth school systems' supplemental funding.
Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 6, a bill to amend the Constitution of North Carolina to establish rights for victims of crime, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 2532 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, February 15, for further consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 2, a bill to reduce income taxes for the working people of North Carolina by increasing the personal exemption deduction by five hundred dollars and by allowing a tax credit of fifty dollars per dependent child.

Referred to **Finance Committee**.

RECALL FROM COMMITTEE

S.B. 3 (House Committee Substitute), a bill to provide for a referendum to amend the Constitution to provide for a gubernatorial veto, referred to **Judiciary I/Constitution Committee** on February 13.

Senator Cooper offers a motion that the House Committee Substitute bill be recalled from the **Judiciary I/Constitution Committee**, and placed before the Senate for consideration upon concurrence, which motions prevail.

The Chair orders the House Committee Substitute bill taken from the **Judiciary I/Constitution Committee** and placed before the Senate for immediate consideration as to concurrence.

The Senate fails to concur in the House Committee Substitute bill (3–43).

The Chair extends courtesies of the floor to Marvin Ward, former Senator from Forsyth County.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 9, a bill to expand the property tax homestead exemption for low-income elderly and disabled individuals, with a favorable report.

H.B. 70, a bill to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes, with a favorable report.

On motion of Senator Sherron, the rules are suspended and the bill is placed before the Senate for immediate consideration upon its passage. The bill passes its second (45–0) and third readings and is ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 3 (House Committee Substitute), a bill to provide for a referendum to amend the Constitution to provide for a gubernatorial veto, with the Senate failing to concur earlier today.

With unanimous consent, the President *Pro Tempore* appoints Senator Cooper, Chairman, and Senators Cochrane and Martin of Guilford as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a special message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator Plexico, the Senate adjourns at 2:25 P.M. to meet tomorrow, Wednesday, February 15, at 2:00 P.M.

THIRTEENTH DAY

SENATE CHAMBER,
Wednesday, February 15, 1995

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, someone has said that only a mediocre person is always at his or her best.

"If that be true, we must pray a prayer today of repentance, seeking forgiveness, because it appears we are anything but mediocre.

"Thank You for the grace which abounds as You deal with us, O Lord. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization for tests, to Senator Sherron due to a previous commitment, and to Senator Parnell due to a business appointment.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, February 14, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (38–0).

The President of the Senate extends courtesies of the floor to Dr. James Stackhouse of Goldsboro, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 70, an act to provide that the governing body of a taxing unit may delay the accrual of interest on certain unpaid property taxes. (Ch. 1)

INTRODUCTION OF BILLS AND RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Albertson and Carpenter:

S.B. 199, a bill to prohibit farmers from contracting for the aerial application of pesticides in restricted areas and to limit the amount of the civil penalty to be levied by the Pesticide Board in cases where there is only vegetative damage in the nontarget area.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Albertson and Carpenter:

S.B. 200, a bill to provide for civil penalties for violations of the Gasoline and Oil Inspection Law, the meat inspection law, and the animal welfare and animal health laws.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Albertson, Warren. Speed, Hoyle, Perdue, Dannelly, and Carpenter:

S.B. 201, a bill to limit the liability of landowners to members of the public entering the land for educational and recreational purposes.

Referred to **Judiciary I/Constitution Committee.**

By Senators Albertson, Warren, Speed, and Carpenter:

S.B. 202, a bill to encourage the composting of poultry carcasses and provide an income tax credit for poultry composting facilities.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Warren, Conder, Albertson, Sherron, Lucas, Dannelly, Gulley, and Speed:

S.B. 203, a bill to appropriate funds to complete the expansion of the Life Sciences Building at East Carolina University.

Referred to **Appropriations Committee.**

By Senators Webster, East, Hartsell, Davis, Little, Forrester, Carpenter, McDaniel, Foxx, Shaw, Rand, Carrington, and Kerr:

S.B. 204, a bill authorizing nonresident taxpayers to claim the tax credit for child care and certain employment–related expenses.

Referred to **Finance Committee.**

By Senator Jordan:

S.B. 205, a bill to establish the Community Reinvestment Act.

Referred to **Commerce Committee.**

By Senators Hoyle and Odom:

S.B. 206, a bill to make a technical correction to G.S. 120–70.2 regarding filling of vacancies on the Joint Legislative Utility Review Committee as recommended by the Joint Legislative Utility Review Committee.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Hoyle:

S.B. 207, a bill to modify the bond requirements for public utilities providing water or sewer services as recommended by the Joint Legislative Utility Review Committee.

Referred to **Commerce Committee.**

By Senators Ballance, Parnell, and Hartsell:

S.B. 208, a bill to make technical and clarifying amendments as recommended by the Sentencing Commission.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Ballance, Parnell, and Hartsell:

S.B. 209, a bill to modify misdemeanor structured sentencing statutes to permit an active sentence equal to or less than time served.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Ballance, Parnell, and Hartsell:

S.B. 210, a bill to implement recommendations of the North Carolina Sentencing and Policy Advisory Commission to provide for victim impact statements for presentation to the court, to order restitution to victims where appropriate, to make restitution a first priority, and to extend probation for the payment of restitution.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Martin of Pitt, Hoyle, Rand, and Hobbs:

S.B. 211, a bill to appropriate funds to the North Carolina Housing Trust Fund.

Referred to **Appropriations Committee.**

By Senators Albertson, Carrington, Forrester, Carpenter, Warren, Ballantine, Speed, Conder, Perdue, Martin of Pitt, Hoyle, Simpson, East, Parnell, Blackmon, Odom, and Foxx:

S.B. 212, a bill to require that an individual who is denied or terminated from employment due to positive drug test will be denied unemployment benefits.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Conder and Cochrane:

S.J.R. 213, a joint resolution supporting North Carolina's participation in a Conference of the States.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Sherron, Blackmon, Parnell, Ballance, Plyler, Hoyle, McDaniel, Shaw, Hartsell, Ballantine, Davis, McKoy, Allran, East, Little, Forrester, Clark, Ledbetter, Foxx, Carpenter, Carrington, Simpson, Kincaid, Smith, Albertson, Edwards, Conder, Hobbs, Horton, Kerr, Webster, Perdue, Lucas, Odom, Jordan, Rand, Warren, Cochrane, Sawyer, Soles, Speed, and Martin of Pitt:

S.B. 214, a bill to require a fiscal note for all proposed rules that have a substantial economic impact and to appropriate funds to implement this requirement.

Referred to **Judiciary I/Constitution Committee.**

By Senators Sherron, Blackmon, Parnell, Ballance, Plyler, Hoyle, Hartsell, Shaw, Cochrane, Ballantine, Davis, Allran, East, Little, Ledbetter, Forrester, Clark, Foxx, Carpenter, Carrington, McDaniel, Perdue, Edwards, Conder, Hobbs, Horton, Kerr, Simpson, Webster, McKoy, Lucas, Odom, Jordan, Rand, Warren, Smith, Kincaid, Albertson, Sawyer, Plexico, Soles, Speed, and Martin of Pitt:

S.B. 215, a bill to create the Joint Legislative Administrative Procedure Oversight Committee and to provide that no administrative rule shall become effective until approved by the General Assembly.

Referred to **Judiciary I/Constitution Committee.**

By Senators Sherron and Blackmon:

S.B. 216, a bill to provide that the Senate appointments to the Rules Review Commission shall be made by the President *Pro Tempore* rather than the President of the Senate.

Referred to **Judiciary I/Constitution Committee.**

By Senators Sherron and Blackmon:

S.B. 217, a bill to require agencies to begin a process of adopting a permanent rule by publishing a notice of rule-making proceedings rather than by publishing the proposed text of a rule change.

Referred to **Judiciary I/Constitution Committee.**

By Senators Sherron and Blackmon:

S.B. 218, a bill to strengthen the authority of the Rules Review Commission to determine the necessity of a proposed rule.

Referred to **Judiciary I/Constitution Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 6 (Committee Substitute), a bill to amend the Constitution of North Carolina to establish rights for victims of crime, upon second reading.

Senator Simpson offers Amendment No. 1 which is adopted (43–2).

Senator Ballance offers Amendment No. 2 which he subsequently withdraws.

Receiving a three-fifths affirmative majority vote, the Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Simpson, Soles, Speed, Warren, Webster, and Winner—44.

Voting in the negative: Senator Ballance—1.

With unanimous consent, the measure remains before the Senate for immediate consideration upon its third reading.

Receiving a three-fifths affirmative majority vote, the Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Simpson, Soles, Speed, Webster, and Winner—43.

Voting in the negative: Senator Ballance—1.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 9, a bill to expand the property tax homestead exemption for low–income elderly and disabled individuals.

Senator McDaniel offers Amendment No. 1.

Upon motion of Senator McDaniel, the Chair orders, without objection, the bill temporarily displaced, with Amendment No. 1 pending.

S.B. 143, a bill to repeal the restrictions on dealings with South Africa now that the policies of that Country have changed.

The bill passes its second (44–0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 92, a bill to exempt from the highway use tax fire fighting vehicles owned by all–volunteer fire departments, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Committee Substitute bill 4547 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Kerr, the Committee Substitute bill is placed on the Calendar for Thursday, February 16, for further consideration.

By Senator Jordan for the **Local Government and Regional Affairs Committee**:

S.B. 133, a bill to allow Graham County to employ attachment or garnishment and to obtain a lien for ambulance services and to make it a misdemeanor to obtain ambulance services without intent to pay or to make an unneeded ambulance request in Graham County, with a favorable report, as amended.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 39, a bill to allow an extension of time for the City of Raeford to file an application for a sales tax refund.

Referred to **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 3
(House Committee Substitute)

House of Representatives
February 15, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **SB 3**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A REFERENDUM TO AMEND THE CONSTITUTION TO PROVIDE FOR A GUBERNATORIAL VETO, the Speaker has appointed as conferees on the part of the House,

Representative Daughtry,
Representative Nichols, and
Representative Black

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plexico for the **Education/Higher Education Committee**:

S.B. 63, a bill to require local school boards to provide the North Carolina Historical Commission with notice of plans to replace old school buildings by submitting the feasibility and cost analyses for review by the Commission, with a favorable report.

COMMITTEE APPOINTMENTS

The President *Pro Tempore* announces changes in assignments to Standing Committees as follows:

APPROPRIATIONS AND BASE BUDGET COMMITTEES

Senator Carrington is removed as a Vice–Chairman.
Senator Webster is appointed as a Vice–Chairman.

On motion of Senator Basnight, seconded by Senator Allran, the Senate adjourns at 3:00 P.M. in memory of Franklin D. Perritte, Department of Motor Vehicles Officer, and other officers who have died in service to North Carolina, to meet tomorrow, Thursday, February 16, at 2:00 P.M.

FOURTEENTH DAY

SENATE CHAMBER,
Thursday, February 16, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Power Unconquerable and Light Unquenchable, look with favor upon us today. By the power of Your Spirit give us courage to dare mighty things, to win hard fought victories, even against insurmountable odds.

"Holy Scripture teaches us that it is better to live courageously than to be like those who neither enjoy much nor suffer much because they live lives that know neither victory nor defeat.

"Help us to live courageously today, O God. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization for tests, and to Senator Sherron due to a prior commitment.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, February 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (40–0).

The President of the Senate extends courtesies of the floor to Dr. Leonard Nelson of Raleigh, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 108, a bill to provide that adoptions shall be in the district court, with a favorable report.

By Senator Parnell for the **Commerce Committee:**

S.B. 125, a bill to remove the sunset on reverse mortgages, with a favorable report.

By Senator Kerr for the **Finance Committee:**

S.B. 104, a bill to make technical and clarifying changes to the revenue laws and related statutes, with a favorable report.

S.B. 167, a bill to allow counties not to bill for certain property taxes when the amount due on the tax bill is less than the cost of preparing and sending the bill, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Warren, Conder, Albertson, Sherron, Lucas, Speed, Dannelly, Hobbs, and Kerr:

S.B. 219, a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Martin of Pitt and Hoyle:

S.B. 220, a bill to provide counties with information to enable them to verify claims for refunds of their local sales and use tax.

Referred to **Finance Committee.**

By Senators Hoyle, Allran, and Martin of Pitt:

S.B. 221, a bill to appropriate funds for a Grassroots Science Museum Program by the Museum of Natural Sciences to improve State programs in science and environmental education.

Referred to **Appropriations Committee.**

By Senators Hobbs and Little:

S.B. 222, a bill to provide that the laws relating to motor vehicles apply within the Seven Lakes Community in Moore County.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Winner, Dannelly, Gulley, Blackmon, Simpson, Odom, Conder, and Foxx:

S.B. 223, a bill to authorize criminal record checks of public school employees.

Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Hoyle, Plyler, Conder, Perdue, Sherron, Speed, Warren, Hobbs, Kincaid, Rand, Cochrane, Forrester, Parnell, Martin of Pitt, Odom, Albertson, Hartsell, Lucas, Simpson, Jordan, McDaniel, East, McKoy, Soles, Allran, Little, Webster, Davis, Sawyer, Martin of Guilford, Foxx, Ballantine, Gulley, Carpenter, Blackmon, Cooper, Dannelly, and Edwards:

S.B. 224, a bill to provide the public with access to low–cost telecommunications service in a changing competitive environment.

Referred to **Commerce Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 16, a bill directing the State Board of Education to recommend changes in the public school system, for concurrence in the House Committee Substitute bill, which changes the title upon concurrence to read **S.B. 16** (House Committee Substitute), a bill directing the State Board of Education to develop a plan for the reorganization of the Department of Public Instruction.

On motion of Senator Winner, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill (2–41).

H.B. 113, a bill to regulate public access to and use of criminal justice records.
Referred to **Judiciary I/Constitution Committee.**

H.B. 121, a bill to allow the hunting of deer with muzzle–loading rifles of any caliber during muzzle–loading deer season in Scotland County.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

A bill on the Calendar, carried forward as unfinished business from Wednesday, February 15, is taken up and disposed of, as follows:

S.B. 9, a bill to expand the property tax homestead exemption for low–income elderly and disabled individuals, with Amendment No. 1 pending.

The Chair announces a fiscal note is attached to Amendment No. 1.

Amendment No. 1 fails of adoption (20–25).

The bill passes its second (40–5) and third readings and is ordered sent to the House of Representatives.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 16, a bill directing the State Board of Education to recommend changes in the public school system, which changes the title upon concurrence to read **S.B. 16** (House Committee Substitute), a bill directing the State Board of Education to develop a plan for the reorganization of the Department of Public Instruction, with the Senate failing to concur earlier today.

Senator Winner offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senator Perdue, Chairman, and Senators Winner and Little as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 133, a bill to allow Graham County to employ attachment or garnishment and to obtain a lien for ambulance services and to make it a misdemeanor to obtain ambulance services without intent to pay or to make an unneeded ambulance request in Graham County.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted, changing the title to read **S.B. 133**, a bill to allow Graham County and Macon County to employ attachment or garnishment and to obtain a lien for ambulance services and to make it a misdemeanor to obtain ambulance services without intent to pay or to make an unneeded ambulance request in Graham County and Polk County.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 63, a bill to require local school boards to provide the North Carolina Historical Commission with notice of plans to replace old school buildings by submitting the feasibility and cost analyses for review by the Commission.

The bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives.

S.B. 92 (Committee Substitute), a bill to exempt from the highway use tax fire fighting vehicles owned by all–volunteer fire departments.

Senator Perdue offers Amendment No. 1 with fiscal note attached, which proposes to change the title to read **S.B. 92** (Committee Substitute), a bill to exempt from the highway use tax fire fighting vehicles and rescue vehicles owned by all–volunteer fire departments and all–volunteer rescue squads.

On motion of Senator Hoyle, the Committee Substitute bill, with Amendment No. 1 pending, is recommitted to the **Finance Committee**.

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports (See *Addendum*) which are ordered placed on file in the Legislative Library, as follows:

The North Carolina Department of Revenue, along with the Office of the State Controller, and the Office of State Budget and Management, submit the State of North Carolina Summary of Financial Condition, January 31, 1995.

Pursuant to G.S. 105–503(b), the North Carolina Local Government Commission submits its Annual Report on County Spending for Public School Capital Outlay.

APPOINTMENTS

Pursuant to G.S. 135–38, Senator Basnight, President *Pro Tempore*, appoints to the **Committee on Employee Hospital and Medical Benefits** as follows:

Senator Basnight, Senator Conder, Senator Plyler, Senator Sherron, Senator McKoy, Senator Forrester, and Senator Rand.

On motion of Senator Basnight, seconded by Senator Sawyer, the Senate adjourns at 3:00 P.M. to meet Monday, February 20, at 7:00 P.M.

FIFTEENTH DAY

SENATE CHAMBER,
Monday, February 20, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, during the course of the last four weeks, we have made petitions to You, asking for everything from patience to wise judgement. You have been faithful to hear our prayers.

"As the pace ever quickens and decision–making becomes even more difficult, somewhere, sometime each day, give us all a few moments of quiet that we may hear Your Voice.

"Under Your guidance we seek what is right and what is truthful yet we do not know all the truth. Therefore, we ask You to be the ultimate arbiter in all the considerations of this week and may Your Will be done, O God. Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Hartsell to attend a County Commissioner meeting; to Senator Martin of Pitt for eye surgery; to Senator Smith for scheduled medical tests; and to Senator Soles.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, February 16, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (40–0).

The President of the Senate extends courtesies of the floor to Dr. Franklin Burroughs of Raleigh, who is serving the Senate as Doctor of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 225, a joint resolution inviting the Honorable Burley B. Mitchell, Jr., Chief Justice of the Supreme Court, to address a Joint Session of the House of Representatives and the Senate.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Pitt:

S.B. 226, a bill to exempt railroads from payment of sales tax on diesel fuel used by locomotives and railroad cars.

Referred to **Finance Committee.**

By Senator Martin of Pitt:

S.B. 227, a bill to create a new offense of trespassing on railroad rights–of–way, to increase the penalty for failure to obey railroad signals, and to otherwise improve safety at railroad crossings.

Referred to **Judiciary I/Constitution Committee.**

By Senators Odom and Soles:

S.J.R. 228, a joint resolution authorizing the Legislative Research Commission to continue the Study of Chiropractic Care.

Referred to **Appropriations Committee.**

By Senators Odom and Horton:

S.B. 229, a bill to remove impediments and disincentives to donating conservation land or preservation structures or sites.

Referred to **Judiciary I/Constitution Committee.**

By Senators Albertson, Warren, Dannelly, Martin of Pitt, and Gulley:

S.B. 230, a bill to provide for licensing of dealers in poultry and ratites.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Cooper, Martin of Guilford, and Gulley:

S.B. 231, a bill to repeal the sunset on the Public Health Study Commission.

Referred to **Appropriations Committee.**

By Senators Jordan, Ballantine, and Albertson:

S.B. 232, a bill to allow members of the Onslow County Board of Alcohol Control to serve three consecutive terms.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Horton, McDaniel, Carrington, Odom, Jordan, Gulley, Winner, Ballantine, McKoy, Ledbetter, Clark, Shaw, Plexico, Sawyer, Blackmon, Martin of Guilford, Dannelly, Carpenter, Allran, Davis, East, Foxx, Forrester, and Webster:

S.B. 233, a bill to remove the Winston-Salem loop from the urban loop list of intrastate system projects and to augment the funds for the remaining urban loops in Buncombe, Mecklenburg, Durham, Orange, Guilford, Wake, and New Hanover Counties.

Referred to **Transportation Committee.**

By Senators Allran, Perdue, Kerr, Hoyle, Albertson, Dannelly, Soles, Speed, Hartsell, Forrester, Cochrane, Simpson, Little, East, Davis, Webster, Carpenter, Odom, Horton, Jordan, Plexico, Clark, Ledbetter, Sawyer, and Warren:

S.B. 234, a bill to raise the age of undisciplined juveniles who are beyond the disciplinary control of their parents.

Referred to **Judiciary I/Constitution Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 16, a bill to develop statewide food stamp electronic benefits transfer.

Referred to **Children and Human Resources Committee.**

H.B. 80, a bill to repeal the special use tax on construction equipment brought into the State.

Referred to **Finance Committee.**

APPOINTMENT BY THE GOVERNOR

The President directs the Reading Clerk to read, as follows:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603–8001

February 14, 1995

The Honorable Marc Basnight
Senate President *Pro Tempore*
2007 Legislative Building
Raleigh, NC 27601

Dear Mr. President Pro Tem:

Pursuant to General Statute 126–2, I hereby appoint Judy M. Stephenson as a member of the North Carolina State Personnel Commission and submit her name for confirmation by the North Carolina General Assembly. Ms. Stephenson will replace Jeffrey Hunt who resigned. I ask that she be confirmed for the remainder of his unexpired term until June 30, 1995 and for a full term to begin July 1, 1995 and to expire June 30, 2001.

Biographical information on Ms. Stephenson is enclosed. Please feel free to contact her directly should you need any additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
Governor

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 104, a bill to make technical and clarifying changes to the revenue laws and related statutes, upon second reading.

The bill passes its second reading by roll–call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Speed, Warren, Webster, and Winner—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, February 21, for further consideration upon third reading.

S.B. 108, a bill to provide that adoptions shall be in the district court.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (43–0).

The bill, as amended, passes its second reading (42–0).

Senator Simpson objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, February 21, for further consideration upon third reading.

S.B. 125, a bill to remove the sunset on reverse mortgages.

The bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives.

S.B. 167, a bill to allow counties not to bill for certain property taxes when the amount due on the tax bill is less than the cost of preparing and sending the bill.

The bill passes its second (43–1) and third readings and is ordered sent to the House of Representatives.

PAGES

The President recognizes the following pages serving in the Senate this week:

Candice Leontine Coletrane, Yanceyville; Austin McIver Dennis, Henderson; Jessica Edwards, Ayden; Lucinda Claire Farrell, Gastonia; Brandon Foss, LaGrange; Britt A. Holder, Kinston; Karen D. Jeffries, Blanch; Sean C. Johnson, Fayetteville; Sumeka Rotosha Johnson, Milton; Anne Kreutzberg, Chapel Hill; James Parker Lumpkin III, Louisburg; Charles Taylor Phelps, Louisburg; Amine Elizabeth Tharrington, Henderson; Meredith Lauren Weaver, Raleigh; and Kristy Tresinda West, Knightdale.

On motion of Senator Basnight, seconded by Senator Warren, the Senate adjourns at 7:37 P.M. to meet tomorrow, Tuesday, February 21, at 2:00 P.M.

SIXTEENTH DAY

SENATE CHAMBER,
Tuesday, February 21, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Truth, it seems that we live in a world dictated by 'situation ethics.' There are fewer and fewer absolutes; morals are determined by the situation; an act that is right in one situation may be wrong in another!

"Forgive us for living so dishonestly, O Lord. Help us, instead, to love truth for its own sake and to despise the actions of falsehood. Remind us that attempting to deceive You, others, and ourselves is far more painful than bearing the hardships that sometimes accompany honesty.

"We pray, remembering that You said, 'I am the Way, the Truth, and the Life.' Amen."

The President of the Senate extends courtesies of the floor to Marshall Rauch, former Senator from Gaston County.

With unanimous consent, the President grants leaves of absence for today to Senator Smith for scheduled medical tests and to Senator Martin of Pitt for eye surgery.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, February 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (46–0).

The President of the Senate extends courtesies of the floor to Dr. Marion W. Griffin of Asheboro, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee**:

S.B. 152, a bill to provide that the Department of Transportation shall pay for the nonbetterment relocation of sanitary district utilities, with a favorable report.

S.B. 44, a bill to provide for special registration plates for supporters of professional sport teams, with a favorable report, as amended.

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 164, a bill to mandate criminal history checks of all foster parents in licensed family foster homes and to appropriate funds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 8543 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Chair orders the measure re–referred to the **Finance Committee**.

INTRODUCTION OF A RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Rand, Sherron, Odom, Hoyle, Speed, Albertson, Warren, Parnell, Dannelly, Conder, Plyler, Jordan, Perdue, Kerr, Edwards, Ballance, Gulley, Lucas, Hobbs, Forrester, Little, East, Cochrane, Carrington, McDaniel, Shaw, Allran, Kincaid, Simpson, Webster, Clark, Ledbetter, Basnight, Sawyer, Horton, Ballantine, Winner, and Blackmon:

S.J.R. 235, a joint resolution inviting Miss Heather Whitestone, Miss America 1995, to address a Joint Session of the House of Representatives and the Senate.

Referred to **Rules and Operation of the Senate Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 67 (Committee Substitute), a bill to create the State-Owned Submerged Lands Advisory Committee and to require that the Advisory Committee make its final report to the General Assembly on or before May 1, 1995.

On motion of Senator Albertson, the rules are suspended without objection, and the Committee Substitute bill is placed before the Senate for immediate consideration upon its passage.

The Committee Substitute bill passes its second reading (45–1).

Senator Simpson objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, February 22, for further consideration upon third reading.

H.B. 114, a bill to provide that the merger of the Alamance County Schools and the Burlington City Schools may become effective only if approved by the voters of Alamance County.

Referred to **Local Government and Regional Affairs Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 16
(House Committee Substitute)

House of Representatives
February 20, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in **SB 16**, A BILL DIRECTING THE STATE BOARD OF EDUCATION TO RECOMMEND CHANGES IN THE PUBLIC SCHOOL SYSTEM, which upon concurrence proposes to change the title to read, House Committee Substitute for **SB 16**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN FOR THE REORGANIZATION OF THE DEPARTMENT OF PUBLIC INSTRUCTION, the Speaker has appointed as conferees on the part of the House,

Representative Miner,
Representative Russell, and
Representative Daughtry

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 16
(House Committee Substitute)

House of Representatives
February 21, 1995

Mr. President:

The Speaker has appointed Representative Wood as a conferee on **SB 16**, A BILL DIRECTING THE STATE BOARD OF EDUCATION TO RECOMMEND CHANGES IN THE PUBLIC SCHOOL SYSTEM, which upon concurrence proposes to change the title to read, House Committee Substitute for **SB 16**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN FOR THE REORGANIZATION OF THE DEPARTMENT OF PUBLIC INSTRUCTION. Representative Wood will serve as Chair on the part of the House.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 104, a bill to make technical and clarifying changes to the revenue laws and related statutes, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 108, a bill to provide that adoptions shall be in the district court, as amended, upon third reading.

The bill, as amended, passes its third reading (46–0).

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

COMMITTEE REFERRAL RECALL

S.B. 18, a bill to provide additional budget flexibility to certain local school administrative units, referred to the **Appropriations Committee** on January 26.

Pursuant to Rule 47(b), Senator Perdue offers a motion the bill be taken from the **Appropriations Committee** and re-referred to the **Education/Higher Education Committee**, which motions prevail.

The Chair orders the bill taken from the **Appropriations Committee** and re-refers the measure to the **Education/Higher Education Committee**.

On motion of Senator Basnight, seconded by Senator Plexico, the Senate adjourns at 2:25 P.M. to meet tomorrow, Wednesday, February 22, at 12:00 Noon.

SEVENTEENTH DAY

SENATE CHAMBER,
Wednesday, February 22, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Creator God, we are grateful for the beautiful brush stroke with which You have painted this day.

"'Surely the earth is the Lord's and the fullness thereof.'

"To be part of such a majestic creation, O God, reminds us that the opportunity to worship You and to be about the routine of each day were never meant to be mutually exclusive events.

"So let our work today be guided with grateful acknowledgment that the earth is the Lord's and You are surely in this place. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith for scheduled medical tests; to Senator Edwards; and to Senator Shaw.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, February 21, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (39–1).

The President of the Senate extends courtesies of the floor to Dr. D. E. Ward of Lumberton, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 200, a bill to provide for civil penalties for violations of the Gasoline and Oil Inspection Law, the meat inspection law, and the animal welfare and animal health laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Committee Substitute bill 8548 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Albertson, the Committee Substitute bill is placed on the Calendar for February 23, for further consideration.

S.B. 202, a bill to encourage the composting of poultry carcasses and provide an income tax credit for poultry composting facilities, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the Committee Substitute bill, as amended, engrossed and re–referred to the **Finance Committee.**

ADDITIONAL SPONSOR

Senator Foxx requests to be added as a sponsor of previously introduced legislation:

S.B. 234, a bill to raise the age of undisciplined juveniles who are beyond the disciplinary control of their parents.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Carpenter, Ballantine, Cochrane, Smith, Kincaid, Simpson, Shaw, Blackmon, Forrester, Allran, Hartsell, McDaniel, Davis, Gulley, Parnell, Kerr, Foxx, Ledbetter, Clark, Hobbs, Basnight, Odom, Lucas, Horton, Conder, Little, Perdue, McKoy, Jordan, Sawyer, Rand, Carrington, Albertson, Speed, Warren, Martin of Guilford, Plexico, East, Webster, Cooper, Winner, Martin of Pitt, Soles, Edwards, Hoyle, Plyler, Sherron, Dannelly, and Ballance:

S.J.R. 236, a joint resolution honoring the life and memory of Senator John Bonnell Codington, MD.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Speed, Albertson, Sherron, Parnell, Ballance, Lucas, Soles, Gulley, Edwards, Hoyle, Cooper, Perdue, Simpson, and Horton:

S.B. 237, a bill to provide that farmland owned by a partnership may qualify for use value tax treatment to the same extent as farmland owned by a corporation.

Referred to **Finance Committee.**

By Senators Speed, Sherron, Parnell, Perdue, Ballance, Lucas, Soles, Gulley, Edwards, Hartsell, Horton, Hoyle, Cooper, and Simpson:

S.B. 238, a bill to create a Study Commission on State Parks and Recreation Areas.

Referred to **Appropriations Committee.**

By Senators Speed, Sherron, Parnell, Gulley, Ballance, Lucas, Soles, Cooper, Edwards, Hoyle, and Simpson:

S.B. 239, a bill to appropriate funds to the Division of State Parks and Recreation Areas for staffing, salary, and other operations.

Referred to **Appropriations Committee.**

By Senators Speed, Hoyle, Perdue, Dannelly, Edwards, and Hartsell:

S.B. 240, a bill to authorize the Department of Transportation to perform dredging services for units of local government.

Referred to **Transportation Committee.**

By Senators Speed, Hoyle, Perdue, Dannelly, Edwards, Hartsell, Horton, and Simpson:

S.B. 241, a bill to authorize the Department of Transportation to sell souvenirs on ferries and at ferry facilities.

Referred to **Transportation Committee.**

By Senators Hartsell, Soles, Allran, and Simpson:

S.B. 242, a bill to amend the North Carolina Nonprofit Corporation Act and to make a conforming amendment to the Business Corporation Act, as recommended by the General Statutes Commission.

Referred to **Judiciary I/Constitution Committee.**

By Senators Hartsell, Soles, Allran, and Simpson:

S.B. 243, a bill to amend the law regarding the power of a personal representative to settle claims for wrongful death, as recommended by the General Statutes Commission.

Referred to **Judiciary I/Constitution Committee.**

By Senators Hartsell, Soles, Cooper, Simpson, and Allran:

S.B. 244, a bill to provide for the summary administration of an estate where a surviving spouse is the sole beneficiary of the estate, as recommended by the General Statutes Commission.

Referred to **Judiciary I/Constitution Committee.**

By Senators Hartsell, Soles, Allran, and Simpson:

S.B. 245, a bill to authorize the opening of empty lock boxes of decedents outside the presence of the Clerk of Superior Court, as recommended by the General Statutes Commission.

Referred to **Judiciary I/Constitution Committee.**

By Senators Plexico and Gulley:

S.B. 246, a bill to strengthen the law limiting campaign contributions.

Referred to **Judiciary I/Constitution Committee.**

By Senators Plexico and Gulley:

S.B. 247, a bill to eliminate the exemption from campaign contribution limits for gifts to and by a political party executive committee.

Referred to **Judiciary I/Constitution Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 17, a bill to return the food stamp fraud felony threshold to its pre–1991 limit.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 82, a bill to allow members of the General Assembly and chairs of county boards of commissioners to administer oaths of office.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 131 (Committee Substitute), a bill to appoint members of the Whiteville City Board of Education and to change the time for their appointment.

On motion of Senator Soles, the rules are suspended without objection, and the Committee Substitute bill is placed on the Calendar for today for consideration upon its passage in its regular order of business.

H.B. 195, a bill to provide for the election of superior court judges by judicial district.

Referred to **Judiciary I/Constitution Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 131 (Committee Substitute), a bill to appoint members of the Whiteville City Board of Education and to change the time for their appointment, placed earlier today on the Calendar upon its passage.

The Committee Substitute bill passes its second (45–0) and third readings and is ordered enrolled.

S.B. 44, a bill to provide for special registration plates for supporters of professional sport teams, upon second reading.

On motion of Senator Speed, Committee Amendment No. 1 is adopted.

On motion of Senator Odom, the bill, as amended, is ordered engrossed and re–referred to the **Finance Committee**.

S.B. 152, a bill to provide that the Department of Transportation shall pay for the nonbetterment relocation of sanitary district utilities.

The bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives.

COMMITTEE REFERRAL RECALL

S.B. 246, a bill to strengthen the law limiting campaign contributions, referred to the **Judiciary I/Constitution Committee** earlier today.

Pursuant to Rule 47(b), Senator Cooper offers a motion the bill be taken from the **Judiciary I/Constitution Committee** and re–referred to **Judiciary II/Election Laws Committee**, which motions prevail.

The Chair orders the bill taken from the **Judiciary I/Constitution Committee** and refers the measure to the **Judiciary II/Election Laws Committee.**

S.B. 247, a bill to eliminate the exemption from campaign contribution limits for gifts to and by a political party executive committee, referred to the **Judiciary I/Constitution Committee** earlier today.

Pursuant to Rule 47(b), Senator Cooper offers a motion the bill be taken from the **Judiciary I/Constitution Committee** and re–referred to **Judiciary II/Election Laws Committee**, which motions prevail.

The Chair orders the bill taken from the **Judiciary I/Constitution Committee** and refers the measure to the **Judiciary II/Election Laws Committee.**

CALENDAR (Continued)

H.B. 67 (Committee Substitute), a bill to create the State–Owned Submerged Lands Advisory Committee and to require that the Advisory Committee make its final report to the General Assembly on or before May 1, 1995, upon third reading.

The Committee Substitute bill passes its third reading (45–0) and is ordered enrolled.

REPORT TO GENERAL ASSEMBLY

A Board, Commission, or Agency directed to report to the General Assembly submits a report (See *Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to G.S. 130A–310, the North Carolina Department of Environment, Health and Natural Resources submits the Annual Report of Inactive Hazardous Sites Program.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee:**

S.B. 178, a bill to change the pay date for the Alleghany School Administrative Unit, with a favorable report.

S.B. 179, a bill to modify the membership of the Rockingham Tourism Development Authority, with a favorable report.

S.B. 153, a bill to remove the requirements that Granite Falls ABC stores be audited quarterly, with a favorable report, as amended.

On motion of Senator Basnight, seconded by Senator Carrington, the Senate adjourns at 12:28 P.M. to meet tomorrow, Thursday, February 23, at 1:00 P.M.

EIGHTEENTH DAY

SENATE CHAMBER,
Thursday, February 23, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, You have promised that if we possess faith the size of a mustard seed, mountains shall be moved.

"Though it is still early in this Session of the General Assembly, formidable mountains already have appeared and are closer than some distant horizon.

"So increase the Senators' faith, that they will not be awed by these difficult and complex problems. Hold them by Your Mighty Hand, encourage them and sustain them by the power of Your Presence. Then they will find all things possible and the mountains, one by one, shall be moved. In Your Holy Name we pray, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith for scheduled medical tests; to Senator Conder to attend an Education Conference; to Senator Ballance; to Senator Shaw; to Senator Edwards; and to Senator Sawyer.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, February 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (38–0).

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 67 (Committee Substitute), an act to create the State–Owned Submerged Lands Advisory Committee and to require that the Advisory Committee make its final report to the General Assembly on or before May 1, 1995. (Ch. 2)

H.B. 131 (Committee Substitute), an act to appoint members of the Whiteville City Board of Education and to change the time for their appointment. (Ch. 3)

REPORTS OF COMMITTEES

Bills and a resolution are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee:**

S.B. 155, a bill to authorize the Division of Motor Vehicles to issue a temporary license plate that is valid for up to sixty days, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee.**

S.B. 162, a bill to delay the effective date of the changes made in 1994 to the laws concerning the tinting of windows on motor vehicles, with a favorable report.

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 247, a bill to eliminate the exemption from campaign contribution limits for gifts to and by a political party executive committee, with a favorable report, as amended.

By Senator Winner for the **Education/Higher Education Committee**:

S.R. 176, a Senate simple resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, with an unfavorable report as to simple resolution, but favorable as to Committee Substitute simple resolution 4551.

The Chair orders the measure placed on the Calendar for Monday, February 27, for adoption.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Conder and Forrester:

S.B. 248, a bill recommended by the Mental Health Study Commission to appropriate funds for operating costs of implementation of the Commission's and Coalition 2001's plans for mental health, developmental disabilities, and substance abuse services in North Carolina.

Referred to **Appropriations Committee**.

By Senator Conder:

S.B. 249, a bill to reauthorize the Mental Health Study Commission.

Referred to **Appropriations Committee**.

By Senators Rand, Perdue, Odom, Hoyle, Plexico, Kerr, Parnell, Warren, Albertson, Speed, Sherron, Dannelly, Gulley, Winner, Edwards, Conder, Hobbs, Plyler, Carpenter, Davis, Webster, Forrester, McDaniel, Carrington, McKoy, Sawyer, Allran, Little, Kincaid, Foxx, Blackmon, Clark, Hartsell, Simpson, Cochrane, Ballantine, Ledbetter, and Horton:

S.B. 250, a bill to provide federal retirees refunds in five annual installments, without interest, for income tax paid on their retirement benefits for tax years 1985 through 1988.

Referred to **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Rand, Hoyle, Blackmon, Kincaid, McDaniel, Ballantine, Carrington, Clark, Horton, Forrester, Little, McKoy, Foxx, East, Davis, Cochrane, Ledbetter, Cooper, Edwards, Soles, and Warren:

S.B. 251, a bill to phase out the excise tax on soft drinks over four years.

Referred to **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Hoyle, Carpenter, and Perdue:

S.B. 252, a bill to provide that spouses of purple heart plate holders may continue to be issued those plates.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Allran, Hartsell, Simpson, Cochrane, Forrester, Little, Hoyle, Perdue, and Carpenter:

S.B. 253, a bill to provide that the Constitution of North Carolina shall not be construed to require that relevant material evidence be excluded in a criminal trial unless its exclusion is required under the Constitution of the United States.

Referred to **Judiciary I/Constitution Committee.**

By Senators East and Foxx:

S.B. 254, a bill to amend the Charter of the City of Mount Airy to change from partisan to nonpartisan the method of electing the Mayor and Board of Commissioners.

Referred to **Judiciary II/Election Laws Committee.**

By Senators East and Foxx:

S.B. 255, a bill to amend the law relating to Mount Airy's Firefighters' Supplementary Fund.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Gulley and Blackmon:

S.B. 256, a bill to remove language requiring an attorney's opinion and written statement in appeals by indigents of a judgment in a civil action.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Gulley and Blackmon:

S.B. 257, a bill to increase the amount that may be in controversy in district and superior civil courts and to make corresponding changes to the Rules of Civil Procedure and nonbinding arbitration.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Gulley and Blackmon:

S.B. 258, a bill to clarify the record–keeping responsibilities of clerks of superior court in IV–D child support cases.

Referred to **Judiciary II/Election Laws Committee.**

Upon the appearance of Senator Sawyer in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

COMMITTEE REFERRAL RECALL

S.B. 154, a bill to increase the minimum property damage amount for a reportable motor vehicle accident and to resolve inconsistencies in the law concerning accident reports, referred to the **Judiciary II/Election Laws Committee** on February 8.

Pursuant to Rule 47(b), Senator Gulley offers a motion the bill be taken from the **Judiciary II/Election Laws Committee** and re–referred to the **Judiciary I/Constitution Committee**, which motions prevail.

The Chair orders the bill taken from the **Judiciary II/Election Laws Committee** and re–refers the measure to the **Judiciary I/Constitution Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 71, a bill to provide that fire fighters and emergency medical service personnel may possess or carry weapons on school grounds when discharging their official duties.

Referred to **Judiciary II/Election Laws Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 153, a bill to remove the requirements that Granite Falls ABC stores be audited quarterly.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (44–0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 178, a bill to change the pay date for the Alleghany School Administrative Unit.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 179, a bill to modify the membership of the Rockingham Tourism Development Authority.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 200 (Committee Substitute), a bill to provide for civil penalties for violations of the Gasoline and Oil Inspection Law, the meat inspection law, and the animal welfare and animal health laws.

The Committee Substitute bill passes its second (42–1) and third readings and is ordered sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator East, the Senate adjourns at 1:30 P.M. to meet Monday, February 27, at 7:00 P.M.

NINETEENTH DAY

SENATE CHAMBER,
Monday, February 27, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, the Senate begins a new week with a full calendar of important activities. Thank You for the gift of self–discipline that allows us to so order our lives in advance by the day, hour, and minute.

"Remind us during the hectic schedule of this week to also give attention to the order of our souls. Successful everyday living, whether it is controlling our tempers, our appetites, or our inclinations is determined by the correct order of our souls.

"We learn to keep our souls in touch with You, O God, the same way we have learned to schedule our calendars so meticulously through practice. Help us to that end we pray. Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator McKoy, Senator Smith, Senator Winner, Senator Sawyer, and Senator Kincaid.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, February 23, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (41–0).

The President of the Senate extends courtesies of the floor to Dr. Thomas Dameron of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 13 (Committee Substitute), an act to further reduce employers' unemployment insurance taxes. (Ch. 4)

COMMITTEE REFERRAL RECALL

S.J.R. 236, a joint resolution honoring the life and memory of Senator John Bonnell Codington, MD., referred to the **Rules and Operation of the Senate Committee** on February 22.

Pursuant to Rule 47(b), Senator Rand offers a motion the joint resolution be taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for Wednesday, March 1, as a special order of business, which motions prevail.

The Chair orders the joint resolution recalled from the **Rules and Operation of the Senate Committee** and places it on the Calendar for Wednesday, March 1, for consideration upon its passage.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Soles.

S.B. 259, a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense and to protect merchants and peace officers from civil liability for detention or arrest of persons accused of larceny.

Referred to **Judiciary I/Constitution Committee.**

By Senator Edwards:

S.B. 260, a bill to appropriate funds to the Board of Governors of the University of North Carolina for the renovation and expansion of the Rudolph Jones Student Center at Fayetteville State University.

Referred to **Appropriations Committee.**

By Senator Edwards:

S.B. 261, a bill to appropriate funds for Teen Involvement Projects (TIPS) in Cumberland County.

Referred to **Appropriations Committee.**

By Senator Edwards:

S.B. 262, a bill to appropriate funds to the Board of Governors of the University of North Carolina for the construction of a fine arts building at Fayetteville State University.

Referred to **Appropriations Committee.**

By Senator Edwards:

S.B. 263, a bill to appropriate funds to the Orange Street School Restoration and Historical Association in Fayetteville.

Referred to **Appropriations Committee.**

By Senators Horton, Cochrane, McDaniel, and Foxx:

S.B. 264, a bill to revive the Charter of the Town of Bethania.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Kincaid:

S.B. 265, a bill to establish a season for hunting foxes with firearms and bow and arrow in Caldwell County.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Martin of Pitt and Cochrane:

S.B. 266, a bill to appropriate funds for the North Carolina Senior Games Program.

Referred to **Appropriations Committee.**

By Senators Martin of Pitt and Cochrane:

S.B. 267, a bill to appropriate funds to the Alzheimer's Associations.

Referred to **Appropriations Committee.**

By Senators Kerr, Perdue, Hoyle, and Martin of Pitt:

S.B. 268, a bill to provide that fees paid by borrowers to loss reserve accounts of State-funded economic development programs are not considered interest or subject to claims or defenses of usury.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Hoyle:

S.B. 269, a bill to authorize the Town of Dallas to enact a property maintenance ordinance and to assess certain costs of enforcement as a lien against the property.

Referred to **Finance Committee.**

By Senators Davis and Hoyle:

S.B. 270, a bill to authorize the City of Shelby to levy a room occupancy and tourism development tax.

Referred to **Finance Committee**.

By Senators Parnell, Kincaid, Speed, Soles, Sherron, Warren, Cochrane, Hoyle, Martin of Pitt, Ballance, Foxx, Rand, Hobbs, Jordan, Sawyer, Blackmon, Ballantine, McDaniel, Carrington, and McKoy:

S.B. 271, a bill to remove the sunset on fuel cost adjustment for electric utilities.

Referred to **Commerce Committee**.

By Senators Martin of Guilford, Cooper, Winner, Allran, Hoyle, Martin of Pitt, and Albertson:

S.B. 272, a bill to strengthen the requirements to have a child in a restraint system while operating a motor vehicle as recommended by the Child Fatality Task Force.

Referred to **Judiciary I/Constitution Committee**.

By Senators McDaniel, Clark, Kincaid, Carpenter, Allran, Ballantine, Davis, Forrester, Webster, Foxx, Carrington, East, Little, Cochrane, Hartsell, Ledbetter, Horton, Simpson, and Sawyer:

S.B. 273, a bill to clarify that preelection campaign finance reports are due for special elections such as those held when an election results in a tie.

Referred to **Judiciary II/Election Laws Committee**.

CALENDAR

Bills and a resolution on the Calendar are taken up and disposed of, as follows:

S.R. 176, (Committee Substitute) a Senate simple resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, for adoption.

On motion of Senator Plexico, the Committee Substitute simple resolution 4551 is adopted (42–2). (*The text of this resolution appears in the Appendix.*)

S.B. 162, a bill to delay the effective date of the changes made in 1994 to the laws concerning the tinting of windows on motor vehicles.

The bill passes its second (42–1) and third readings and is ordered sent to the House of Representatives.

Upon the appearance of Senator Sawyer in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.B. 247, a bill to eliminate the exemption from campaign contribution limits for gifts to and by a political party executive committee.

On motion of Senator Gulley, Committee Amendments No. 1 and No. 2 are adopted.

Senator Shaw offers Amendment No. 3.

Senator Gulley offers a substitute amendment, No. 4, for Amendment No. 3.

Senator Shaw offers a motion further consideration of the bill with pending Amendments No. 3 and No. 4 be postponed until tomorrow, February 28, which motion fails to prevail (20–25), and the question reverts to the adoption of Amendment No. 4.

Amendment No. 4 is adopted (41–4).

The bill, as amended, passes its second reading (38–7).

Senator Plexico objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, February 28, for further consideration upon third reading.

PAGES

The President recognizes the following pages serving in the Senate this week:

Anna Natsha Craft, Kinston; Carey Elizabeth Day, Greenville; Courtney Duncil, Raleigh; Jason Coy Edwards, Sparta; Cheryl L. Elmstrom, Salvo; John Norris Hall, Ayden; Kelly Marie Keenan, Raleigh; Ella Marie McCoy, Burlington; Matthew Robert Martin, Raleigh; Gena Elisabeth Miller, Burlington; Nathan A. Miller, Boone; Katherine Stuart Mintz, Kinston; Tiffany Nicole Parker, Burlington; Matthew Quigless, Raleigh; John Timothy Roberson, Robersonville; Lisa Marie Rowland, Zebulon; Elizabeth Michelle Scott, Fayetteville; Donna Carol Sheets, King; John Bowen Walker, Goldsboro; and Courtney L. Whitaker, Wendell.

On motion of Senator Basnight, seconded by Senator Forrester, the Senate adjourns at 8:27 P.M. to meet tomorrow, Tuesday, February 28, at 2:00 P.M.

TWENTIETH DAY

SENATE CHAMBER,
Tuesday, February 28, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

The prayer offered by the Reverend Mike Morris, Senate Chaplain, is paraphrased and lifted from a prayer by David B. Collins, as follows:

"God and Father of all, Who from the beginning came to bring light and truth and love to humankind.

"By Your Word, grant to the men and women of the Senate who themselves deal with words and images every day in the form of laws, such a reverence for You, that through careful and honest work, they may keep the coinage of their language sound. Give them humility to realize that they are called, not to be perfect but to be clear, not to be infallible but to be fair.

"As lawmakers, these men and women, in this our generation, speak where many listen, write where many read, and show what many see.

"Be close and guide the Senators and staff in this process today, O God. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Smith.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, February 27, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (44–0).

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 7, a bill to amend the Constitution of North Carolina to authorize the General Assembly to enact legislation allowing each county to (i) increase the amount of the property tax homestead exemption for low–income elderly and disabled individuals in that county and (ii) raise the definition of "low–income" so that more elderly and disabled individuals can qualify for the exemption, with a favorable report.

S.B. 118, a bill to clarify that unpaid volunteer medical directors for emergency medical services (EMS) agencies are covered by the good samaritan statute, with a favorable report.

By Senator Parnell for the **Commerce Committee:**

S.B. 207, a bill to modify the bond requirements for public utilities providing water or sewer services as recommended by the Joint Legislative Utility Review Committee, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Edwards:
S.B. 274, a bill to require the Board of Governors of the University of North Carolina to study the teacher education programs offered at each constituent university and to determine how those programs may be improved.
Referred to **Education/Higher Education Committee.**

By Senator Forrester:
S.B. 275, a bill to restore the Lieutenant Governor to part–time status as that Office was prior to 1973.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Gulley and Lucas:
S.B. 276, a bill to appropriate funds to the Department of Human Resources for capital improvements at the Murdoch Center.
Referred to **Appropriations Committee.**

By Senator Hartsell:

S.B. 277, a bill to remove the fifty acre limitation on condemning property for a school site.

Referred to **Judiciary II/Election Laws Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 181 (Committee Substitute), a bill to change the pay date for the Caldwell County Schools.

Referred to **Education/Higher Education Committee.**

CALENDAR

The bill on the Calendar is taken up and disposed of, as follows:

S.B. 247, a bill to eliminate the exemption from campaign contribution limits for gifts to and by a political party executive committee, as amended, upon third reading.

Senator Plexico offers Amendment No. 5 which is adopted (43–5).

Senator Cochrane offers Amendment No. 6 which fails of adoption (19–29).

Senator Carrington offers Amendment No. 7 which is adopted (37–11).

Senator McDaniel offers Amendment No. 8 which fails of adoption (21–27).

Senator Plexico calls the previous question, seconded by Senator Sherron. The call is sustained (36–10).

The bill, as amended, passes its third reading (35–13) and is ordered engrossed and sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Winner, the Senate adjourns at 3:27 P.M. to meet tomorrow, Wednesday, March 1, at 2:00 P.M.

TWENTY-FIRST DAY

SENATE CHAMBER,
Wednesday, March 1, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, sometimes we are asked to make a one hundred percent commitment to something about which we are only fifty one percent certain.

"In times of such doubt and questioning, when our belief is perplexed by new learning, new teaching, or new ideas—give us boldness to examine and faith to trust in You for discernment of the Truth.

"Having received Your Guidance, at least then we shall be able to move ahead, with one hundred percent assurance of Your Participation.

"We pray, in the Name of the One Who said, 'You shall know the Truth and the Truth shall set us free.' Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith, who is hospitalized, and to Senator Ballance who is attending a constituency meeting in Murfreesboro.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, February 28, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (40–1).

The President of the Senate extends courtesies of the floor to Dr. Joe Woody of Charlotte, who is serving the Senate as Doctor of the Day.

SPECIAL ORDER

S.J.R. 236

The hour having arrived for the consideration of the special order of business, the President of the Senate lays before the Senate the special order, it being **S.J.R. 236**, a joint resolution honoring the life and memory of Senator John Bonnell Codington, MD.

With unanimous consent, on motion of Senator Carpenter, the joint resolution is read in its entirety.

On motion of Senator Basnight, the Chair extends courtesies of the gallery to Betsy Carter Codington, John B. Codington, Jr., and family friends.

On motion of Senator Basnight, the joint resolution and the remarks of members speaking are ordered spread upon the Journal, as follows:

S.J.R. 236, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SENATOR JOHN BONNELL CODINGTON, MD.

Whereas, Dr. John Bonnell Codington was born in Wilmington, North Carolina on October 27, 1925, to Herbert A. Codington and Jessie Peck Codington; and

Whereas, Dr. John Bonnell Codington graduated from Davidson College in 1949, and from the University of Maryland School of Medicine in 1953; and

Whereas, Dr. John Bonnell Codington spent most of his life in his native Wilmington and contributed greatly to the quality of its life; and

Whereas, until his retirement in 1990, Dr. John Bonnell Codington practiced general surgery for 32 years at James Walker, New Hanover, and Cape Fear Memorial hospitals; and

Whereas, Dr. John Bonnell Codington was active throughout his life in civic and community affairs, serving as a member of the New Hanover County Board of Education, as a member of the Board of Trustees of the University of North Carolina at Wilmington, and as a member of the Board of Trustees of Champion McDowell Davis Charitable Foundation; and

Whereas, Dr. John Bonnell Codington was elected to the State Senate in 1993, where he served on several committees including the Appropriations Subcommittee on General Government, Children and Human Resources, Insurance, Judiciary I, and Ways and Means; and

Whereas, Dr. John Bonnell Codington was a veteran of World War II, serving his country from 1943 to 1946; and

Whereas, Dr. John Bonnell Codington was awarded the Civil Rights Award in 1983, and was honored as Professor of the Year in 1985; and

Whereas, Dr. John Bonnell Codington was a life-long member of the First Presbyterian Church, where he served as ruling elder; and

Whereas, for more than 15 years, Dr. John Bonnell Codington gave freely of his time and energy as a medical missionary in Leogane, Haiti, treating the sick and teaching surgical techniques to local doctors; and

Whereas, Dr. John Bonnell Codington, citizen of North Carolina, died on March 1, 1994, bringing to an end his meaningful and illustrative life; and

Whereas, Dr. John Bonnell Codington is survived by his wife, Elizabeth Carter Codington; his daughters, Elizabeth Codington Reid and Anne Codington Autrey; his son, John Bonnell Codington, Jr.; and five grandchildren; and

Whereas, it is the desire of the General Assembly to duly recognize Dr. John Bonnell Codington's service and pay tribute to his life;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly honors the memory of Dr. John Bonnell Codington and expresses the gratitude and appreciation of this State and its citizens for his life and service to his community and to North Carolina.

Sec. 2. The General Assembly expresses its deepest sorrow to the family and friends of Dr. John Bonnell Codington for the loss of a beloved husband, father, grandfather, and a true friend.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Dr. John Bonnell Codington.

Sec. 4. This resolution is effective upon ratification.

By Senator Carpenter:

"Thank you, Mr. President, ladies and gentlemen of the Senate. It can be said with certainty that Senator John Codington died with his boots on. This is to coin an old American axiom. When John and his secretary, Mrs. Clark, left our office over in the LOB at a little before 3:00 P.M. exactly a year ago today, we had no idea that ten minutes later he would collapse behind his desk. Jim Watts in Research and Senator Austin Allran began CPR immediately. While the others of us tried to get objects out of the way and to help Austin and Jim in any way we could, a few minutes later Dr. Jim Forrester, who literally ran from this building over to the building where Dr. Codington was stricken, and that was to dive into a futile but nonetheless, tremendous, effort to revive our fallen comrade. While my wife, Helen, was getting Betsy to the scene from their apartment, the EMS arrived and with all their equipment tried, to no avail, to try to revive our fallen Senator. We all prayed that this would culminate in such a way that he would be back on his feet.

"I tell you this to emphasize what a loving tribute Betsy paid John when Helen asked her to take her to John's side in the hospital. The ambulance had left minutes before Helen and Betsy arrived back at the LOB. Dr. Jim Forrester had just eloquently expressed or outlined very professionally to Betsy the events leading

up to the apparent demise, even though some small thread of hope remained. 'No,' was Betsy's reply to Helen, reasoning that that very morning he had left her after a very cheerful breakfast at the apartment with a big smile on his face and a kiss for her on his lips as he left for the General Assembly. She even waved to him from the balcony as he got in the car. She wanted to remember him that way; a twinkle in his eyes, a grin on his face. He truly left us with his boots on, and that's for sure.

"Reflecting on John's life and his short tenure with us here in the Senate, I was reminded of an obituary in the Asheville Gazette, it was known as JS and RL in those days, this was in 1875, and it was of my great–great–grandmother, Nancy Wood Dean. Obituaries were long and flowery a hundred and twenty years ago, and one line of that epistle reaches out with these words, 'She has gone to pluck the ambrosial fruits from the Tree of Life and to bask in the Ocean of God's Love eternally,' from the obituary. And as we think of the countless acts of charity, medical attention, civic, and church kindnesses, we know these words apply to this great doctor, this great Senator, this great dad, this great husband, this great sailor. Yes, this great man, Betsy. We were truly blessed to have him in our midst.

"While others will be speaking to this resolution, I will depart from more details of his accomplishments to digress again to what I would visualize John looking down on us today with these words, and they're from an old, old, Irish prayer. These would be on his lips,

> May the road rise up to meet you, may the wind be always at your back; may the rain fall gently on your fields, and may the sun be always in your face. And until we meet again, may God always hold you in the palm of His hands.

"Yes, John will be long remembered by those of us here in Raleigh, those whose life he touched in Wilmington, and, particularly, those he called his loving family. He has gone to pluck the ambrosial fruits from the Tree of Life and to bask in the Ocean of God's Love eternally. We salute you, John Bonnell Codington, and I thank you in advance, ladies and gentlemen, for your support of this resolution."

By Senator Ballantine:

"Mr. President, ladies and gentlemen of the Senate, as most of you know, my first spoken words in this venerable Chamber were to eulogize our friend and my neighbor, Senator John Codington. I spoke about him being a model family man, and a revered civic leader. Today on the first anniversary of his death, I'm so glad that his wife, Betsy, and son, John, Jr., are here with us as we all remember and pay tribute to John. Let us not be sad and dwell on his death, let us celebrate his wonderful life. The resolution that Senator Carpenter and I helped draft capsulizes just some of the accolades of Senator Codington's life. We could go on and on, but it is not the accomplishments, rather it is the person that I will remember. John always greeted people with a pleasant countenance. Lisa, my wife, and I still see his gentle smile. Yes, I succeeded John Codington in the North Carolina Senate, but I did not replace him; no one will. We will miss you, Senator. We're all glad we knew you. Please support the resolution."

By Senator Allran:

"Thank you, Mr. President, ladies and gentlemen of the Senate. We certainly appreciate those very kind remarks from Senator Carpenter and Senator Ballantine. I have a number of tributes and editorials and resolutions that I've

seen in various newspapers and read about over the last year, and I just wanted to share a few of them with you. First of all, from the *News and Observer.*

> State Senator John Codington was a Wilmington surgeon whose voice was not one of the loudest on the Floor of the General Assembly, but Codington, who died Tuesday afternoon after suffering an apparent heart attack in his office, typifies the selfless public service that is often forgotten in the midst of political hoopla. A Republican who retired from medical practice in 1990, Codington was in his first term. Previously he had served nine years on the New Hanover Board of Education, eight of them as its Chairman. Elective office represented only a fraction of Codington's record, however. For many years he traveled annually to Haiti to help provide medical care and took members of his church with him.

"I'd like to switch over from the *News and Observer* to a tribute which I thought was just great, which was written by his medical partner, Charles A. Wilkinson, MD. It gives you some of his life history and some of the things that he accomplished as a person, but also talks about him personally. As his partner said,

> For fifteen years, John devoted two weeks a year to medical mission work at Legone Hospital in Haiti. He donated equipment, he taught Haitian physicians and cared for patients, and he recruited many doctors to join him there. He always came back excited about the large amount of surgery he had provided to the needy Haitians. In addition to his participation there, he served on the Board of World Missions of the Presbyterian Church as an Elder in First Presbyterian Church of Wilmington for many years.

"John took time from a busy practice to serve his community in other ways, also. He was on the School Board for twelve years, Chairman for eight. His leadership during the troubled years of racial unrest in Wilmington, when he helped guide the schools through very difficult times, was invaluable. John served two terms on the Board of Trustees at UNC–W during the phase of its most graphic growth and development. He was instrumental in beginning the foundation of geriatric independence to benefit the senior citizens of his area. John Codington was a devoted family man. He was happily married to Betsy Carter Codington for forty–two years. They have three children and five grandchildren. Their care and education was his highest priority.

"Well, I didn't know all this history about Dr. Codington till he got here and I read about it, because I was not—I didn't grow up in Wilmington. I grew up on the other side of the State. But I did know this next part from the little bit I was around him and then I really appreciated this personal touch in these tributes. His partner goes on to say,

> John realized that all work and no play was not his file. He loved his garden, where he grew gorgeous azaleas and camellias which gave pleasure to many on several Azalea Festival tours. He loved to fish, he loved to sail, and he loved the beach. Especially when his children or grandchildren were along. He was even known to go on an occasional dove hunt or snow ski trip. After retiring from surgery, John Codington started a new career, in politics. He was elected to the State Senate. In Raleigh, he served this district well

and he enjoyed every minute of it. He was looking forward to running for a second term. On March 1, 1994, after a session on the Senate floor, he returned to his office, collapsed at his desk, and was unresponsive to all attempts at resuscitation. He was sixty–eight. John was known for all of his good works, but the most memorable thing about him was his warm, vibrant personality. He had an enthusiasm for life that was unsurpassed. It was so contagious that you could not be with him long without sharing his enthusiasm for the occasion. His friendly smile and hearty greetings made friends adore him and disarmed his opponents. His patients loved him. His associates and peers admired and respected him. For me, he was not only a partner, but a good friend. He will truly be missed. (Charles A. Wilkinson, MD.)

"Mr. President, ladies and gentlemen of the Senate, I commend to you the resolution before you on behalf of our colleague, John B. Codington."

By Senator Perdue:

"Thank you, Mr. President and members of the Senate, and Betsy and John, I had the opportunity to serve in the district with John Codington, and as you'll recall, after redistricting I lost the beaches of Carteret County and he happened to pick them up, even though he lived in Wilmington in New Hanover County. And there was many a cold, wintry night after he was elected that he made that two–and–a–half–hour drive to Carteret County to hear what the folks there had to say. Because he cared about all of our people, and they were his people and grew to love him in a special, special way. During some of those meetings and up here, especially, we had the opportunity to get to know each other. We chatted, as parents do, about our children and our family. We talked about older folks, because his love for geriatric medicine was something that was very special to him. We talked about education at great length, and he was a tremendous contributing member of that committee. And, yes, even though I was a Democrat and he was a Republican, we had some long, good conversations about politics. Sometimes we did differ a bit, maybe on to 'how to' do something, but never on to 'what for.' Because the 'what for' in John's mind was always 'whatever is good for North Carolina and for the people of this State.'

"As I sat with him time after time in the snack bar, and I happened to be there on the day he died, we ate hot dogs and we laughed about some of the things that actually went on here. And during the conversation at that lunch, John talked about this being the greatest opportunity of his life. Although he had done all these other wonderful special things for his patients and his community and his church, he knew and felt like that he was really making a difference in a different way for North Carolina. He was a quiet man, a leader in a very special and unique way for us all. I never, ever believed that John wanted accolades. He wasn't that kind of person. What he wanted was accomplishment for the good of this State. North Carolina has lost a very true and special leader, a good friend to us all, and I join in those that presented this resolution and just know that he's up there today watching us and laughing a bit that we're still here in Raleigh doing the people's work."

By Senator Cochrane:

"I had the good fortune of getting to know John Codington before he came to Raleigh because we had a mutual interest in education. And in the early '90s I chaired a Commission on Education for Republicans and because of John's work on the School Board there, had a few conversations with him, and as a result of that, on some other occasions had conversations with him about education. I also had the good fortune to sit behind Senator Block, who let me know even more about Senator Codington before he came up here because it was already anticipated that Senator Codington was going to come. And I learned some more about the personal man that made me admire him even more.

"There are two things that have not been mentioned that I would like to point out again. I think they've been referred to, and that was his good sense of humor. I think it also is a surprise sometimes to people when you saw this quiet, retiring man, to know what a man of steel he was when there was a conviction that he held, and he was involved in discussion or debate. I always admired that about him and I always waited for the quiet man in the caucus to make the comments that we would all respond to. I think I also had a special affinity to John, we frequently talked, because his wife and I share the same name, and we frequently joked about that.

"There are certain people that touch you in life in certain ways that you're not necessarily aware of until they're gone, and I think that may have happened in this Senate with John. I think we all knew him and liked him and admired him for the contribution that was his to this Body came about, I think, more in some of the minds of people after those comments were not here to be heard. The thing that I'll recall in one of our last conversations—I had made the comment, and I don't think I've ever in my life had such an opportunity at public service as this elected position affords me, and John said, 'I like that, could not have said that better, and that's exactly the way I feel.' And that's always the way I'll remember him, Betsy. Thank you."

By Senator Jordan:

"I'm giving respects to the family of Senator Codington. It was my privilege to have served with him also representing New Hanover County, Pender County, and Onslow County. As I listen to all the comments, I agree with everything that has been said. I do remember him being, certainly Senator Conder, as a real gentleman. He was such a gentleman that he gently killed several of my bills that I brought to bring district election in New Hanover County and Pender County.

"And I reflect back on having grown up in New Hanover County and knowing him from a different perspective as a member of the Board of Education. He was just some type of outstanding, fine, distinguished gentleman there. I reflect back to thinking about the history of Wilmington, and I've told many of you about the history of Wilmington. A terrible history—the 1898 Revolt of Wilmington, when many African-Americans were massacred on through to the history of the Wilmington Ten, and definitely Senator Codington came really into my life. He was a member of that Board of Education when some of you across the State, it was not popular to help or work with African-Americans to help solve some of the problems, Senator Codington was one of the ones who was a trailblazer to bring together New Hanover County and the City of Wilmington to cool some of the high-spirited folks who were in New Hanover County who believed in burning and rioting, and those who didn't want integration anyway. And those are the areas

that I remember him. He will certainly be missed, and my prayers are with the family. Thank you."

By Senator Odom:

"Members of the Senate, I'll be very brief. I only knew John Codington a short period of time, but I think all of us would agree that our lives were enriched by this very gentle person, in addition to being a gentleman, Senator Jordan. And I don't think you can say too much more about a person than when his or her peers refer to you as a gentle person.

"His life, and especially his death here a year ago, teaches something and that is we should always, every day, celebrate the temporary, to celebrate the small things of life. As Senator Perdue said, she had the great pleasure of sharing his last meal. So did Senator Hoyle and myself, and the four of us sat in the snack bar in the basement of the LOB and we did share a plate of hot dogs. And we did talk about education, we talked about this Body. But it was a great pleasure to just sit and talk and break bread with this man. The Senate is a very special group of people. I've said that before, dealing with personal matters. There's a great camaraderie here that cuts across the lines of politics, and when our lives can be enriched by someone like John Codington, we have been blessed. And I certainly support this resolution."

By Senator Simpson:

"Mr. President and ladies and gentlemen of the Senate, I don't think most of us knew John Codington very long, we knew him from what time he served here. However, we did know his reputation. We knew what the people said and thought about him in the area that he lived. But reputation is what other people say about you. I had several very long conversations with John Codington and I think that I got to know what his character was. And character is what you say, what you think, and more particularly, what you do. And I think that John Codington, from what time I knew him, was a man of high character, honesty, and dedication. If I had to characterize him or give him a name, I think I would just call him the 'silent man,' because John wasn't a big talker. But when he talked, he had something to say. And I think if I really wanted to sum him up, I would say that he lived by the old adage that there's no limit to what a man can do and how far he can go and what he can accomplish if he don't care who else gets the credit for it. I urge your support of the resolution."

By Senator Forrester:

"Fellow Senators, I wish to express my thanks to Senator Basnight for the beautiful flowers I think on the podium in honor of Senator Codington. I think they're camellias.

"We all pause at this time to reflect and give thanks and celebrate the remarkable life of John Codington, a gentleman, a medical colleague, and a friend who helped change our State for the better. Some have already eloquently spoken on this fine gentlemen that we honor here today. Most in our Chamber didn't know John Codington. He sat on the back row over next to Senator Shaw. Every life is a lesson, and John's life was a lesson. And he taught us well. I'm sorry he was not given more time to serve the citizens of the State of North Carolina in the North Carolina Senate. But I think we're all grateful for the years that he shared his life-saving skills with his patients throughout the State.

"I knew him as a man of modest manner with a shy smile that really came from deep within, a dry sense of humor, as has been mentioned, a man of compassion and love for his fellow man, a dedicated physician and surgeon, a model husband, father and grandfather, a strong church worker and a strong supporter of foreign medical missions. Truly, he touched the lives of thousands in the State of North Carolina. John was a giver, not a taker. He was a mover, not a shaker. They just don't make doctors like John Codington anymore. We in North Carolina thank God for the wonderful life of John Codington and for the lives he touched. His influence will ripple these lives for years to come. There's a saying that well applies to Dr. Codington that I think that is appropriate for this time. 'You make a living at what you get, but you make a life by what you give.' John was a giver. His life will live on as long as he's remembered, and he will be remembered. We will all miss John Codington. John B. Codington, MD. Well done, thy good and faithful servant."

By Senator Albertson:

"A lot of good, truthful sayings have been said about this good, wonderful man. And he was a good, wonderful person. I think the thing that John and I had in common that meant so much to both of us was the fact that we both were elders in the Presbyterian Church. We talked about that quite a bit. And I have come to believe in my lifetime that one of the greatest gifts that a person can ever receive is to know that you're truly loved by another individual. John Codington loved me, and I loved him. You want to know how I know that's true? He told me so, and I told him. My life is better, I'm convinced, from having known this good, wonderful person. And I sincerely thank God for his life."

By Senator Blackmon:

"Mr. President, ladies and gentlemen of the Senate. John Codington was my seatmate. And as all freshmen do when they come here, they have a few problems with the red and the green buttons. I can remember very vividly going through that red and green button position with him, trying to keep him from making a mistake. I only wish that he were here now to train this young man on my right, and I think John could do it in a wonderful way.

"To say a few things quickly about John Codington, I don't know whether to call him Dr. John Codington or Senator Dr. John Codington. He was a great man. People talk about how wonderful he is and how easy-going he is—all of those things are true. Betsy mentioned one thing, he's like stainless steel. John Codington was as tough as anybody I have ever met. But with that toughness was an ability to understand and work with people, love people, and to realize that people is what makes this world go around. He was particularly fond of you, Marc. He said so on a number of occasions. I take this opportunity to say hello to Betsy and to his son, John, wish them well, and to ask that each one of you say a little prayer for Dr. John Codington, and I ask that you support this resolution."

By Senator Shaw:

"Thank you, Mr. President. I had a special relationship with John Codington, and like you said, Jerry, this man was quiet, but he was tough as nails. I mean, once he makes up his mind, you forget about trying to change it. He was solid, he was in concrete. And what drew me so close to John, that I remember one afternoon that Dr. Forrester came up with, I forget now whether it was a bill or whether it was an amendment, to add a PSA test to the state employees and

school teachers Blue Cross Plan. And I was just half listening, probably, and so John leaned over and he says, 'Bob, be sure and support this bill.' I says, 'OK.' And after I voted for it, I said 'What is it?' as some of us do sometime, and he said 'It's something that saved my life two or three years ago.' And he explained to me that it was a test for prostate specific antigen which is a simple blood test, and to those of you who've never had it, please go do it if you're past forty. And he said he could detect, in most cases, prostate cancer. And I said, 'What is the norm?' and he said 'Zero to four.' He said his had been in the mid–60s. He tested with prostate cancer, he had it removed, and he was doing fine. He made me promise to go and have the test. And a couple of months later he mentioned it to me again and I called, made an appointment, and had it done. I tested high, also. I also had the operation. It had not spread, I'm doing great, I'm clean, but probably I may be the only one in here to say that I owe John Codington, probably, my life, because I probably would—I don't particularly enjoy going to doctors—I probably would not have been to this day for that test, I might never have gone for it, and I have six grandsons I want to see grow up. So, Betsy, as I told you over the phone that day, I may owe John my life, and I thank him for that. Thank you."

By Senator Plexico:

"Thank you. Ladies and gentlemen of the Senate, I had the pleasure of being Chairman of the Appropriations Subcommittee that Senator Codington served on. The irony was that Senator Codington was more my father's age, and I was the Chairman and he was the freshman. But that didn't teach—that did not stop Senator Codington from being in a position to teach me numerous times. We would often serve—Senator Plyler, you remember we would have some late night meetings until two o'clock in the morning, Senator Codington was right there with that smile on his face. He was, as Senator Odom has said, a true gentleman. We came from opposite ends of the State, but I think he enjoyed that part of his State and the waters around there in the same way that I enjoy the mountains in my area. And, Senator Albertson, Senator Codington and I also talked about that similarity of being Presbyterian elders, and you're right, it's something that holds folks together just like Senator Odom mentioned what holds us together here as members of the Senate. But I also remember that man of steel that you talk about, because we had discussed the issue of the lottery and I'll never forget—I think I not only remember Senator Codington with that smile on his face and the gleam in his eye and all those committee meetings day after day, but I remember him standing right over there on that floor, Senator Ballantine, backing up what I had had to say about the concept of representative democracy. And that's how I'll remember John Codington is speaking on this floor about representative democracy. He was a good man, and he was not just a gentleman, he was a gentle man. I urge your support."

By Senator Hartsell:

"Thank you, Mr. President, members of the Senate. Some of you have spoken about having had lunch with him that day a year ago; I had the occasion to walk across the bridge with him after Session was over, never knowing that while sitting in the office next door a few minutes later I would barely hear a sound and would never be able to talk with him again. It's an emotional and very moving experience just to think about that, particularly when I think about that particular

man. He was spoken of by two or three people as being a gentle man, and a gentleman. While walking across the bridge we were doing as we typically did; we spoke about the fact that we were both Davidson gentle men, of which we were both very proud. He embodied everything that I could say that was good about those who we like to think graduated from our joint alma mater. And I think, in reflecting upon that occasion and those conversations, I am reminded of a quotation from Thomas Jefferson, that 'each generation owes to the next those opportunities and possibilities for life at least as great as those passed to it by its own parents.' John Codington, in every field of endeavor, sought to do that. In the medical profession, he clearly did, for he helped not just those in his own locality, but those in other parts of the world. In the field of education, he was a leader, as Senator Jordan has spoken of already this morning. In the field of religion, he clearly did, because it went beyond just his local church, but in the area of world missions. And he sought at the end, in particular, to deal in the area of public service. I feel that it's most unfortunate that that term came short, but I'm certainly thankful that he had the term. Thank you."

By Senator Basnight:

"Thank you, Mr. President, members of this Chamber. John has not left us, he's just out the door and up the stairs. Many of us will see him one day. Betsy, we know you will. Pat, as you struggled with words earlier, I felt that attachment that we all did, for John and his special way of giving, not just to the family that lent him to us for a short time, but in a way that we all greatly respected. He was a giant of a man, and as you well described, Senator Simpson, his character spoke for his self, it was well established, not with words, but actions. His contributions are well spoken of today.

"In my ten years of being here, I've never seen the Senate so quiet, reserved, and respectful. Respectful not so much just for the occasion and the time, but for a very powerful person that lived with us and was a part of this family, Senator Odom, that we hold dear to each other. I had the occasion, as many of you did, to converse and enjoy his company. We all realize that he loved his community and his State and this country. He contributed in many various and different ways. People who have been to Haiti from time to time to give their contribution knew of him. My partner in business goes, as many of you have known people in your communities to go. His knowledge of this world of ours reached all of us. His contributions will never be forgotten. I know the conversation that I had, one of the last ones that we had together, centered around our water, Pat, and what Wilmington and New Hanover County and the Cape Fear meant to him, his time sailing on those broad stretches of blue water of ours, and he telling me what it meant to preserve and keep it as it is today and make it a little better. He cared, yes, about all people in life. We have a small contribution for you, Betsy, and your family. Pat and I believed it was only proper to give you a small token of what he brought to us in the form of his flowers that he loved so much. And, yes, Senator Forrester, they are camellias. Camellias that he was going to help teach me to learn to grow one day. But I'll never forget him, and I'll make a plant in my yard and I'll remember him forevermore. A wonderful North Carolinian. Thank you for letting us have him for this period of time. The flowers will be taken to you by the Sergeant-at-Arms at the appropriate time."

The joint resolution passes its second and third readings, by unanimous consent with members standing. On motion of Senator Ballantine, the joint resolution is ordered, without objection, sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rand for the **Rules and Operation of the Senate Committee**:

S.J.R. 225, a joint resolution inviting the Honorable Burley B. Mitchell, Jr., Chief Justice of the Supreme Court, to address a Joint Session of the House of Representatives and the Senate, with a favorable report.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 146, a bill to amend the Seed Law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Committee Substitute bill 1568, which changes the title to read **S.B. 146** (Committee Substitute), a bill to amend the North Carolina Seed Law, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the Committee Substitute bill is adopted.

The Chair orders the Committee Substitute bill placed on the Calendar for Thursday, March 2, for further consideration.

By Senator Jordan for the **Local Government and Regional Affairs Committee**:

S.B. 232, a bill to allow members of the Onslow County Board of Alcohol Control to serve three consecutive terms, with a favorable report.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Cooper:

S.B. 278, a bill to add clerks of court to the General Statutes Commission, the Sentencing and Policy Advisory Commission, and the Criminal Justice Advisory Board.

Referred to **Judiciary I/Constitution Committee.**

By Senator Cooper:

S.B. 279, a bill to clarify the authority of local boards of education to obtain property under the "quick take" procedure available to other local governments.

Referred to **Judiciary I/Constitution Committee.**

By Senator Martin of Pitt:

S.B. 280, a bill to appropriate funds to the Department of Agriculture for the completion of the Piedmont Triad Farmers Market.

Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 281, a bill to appropriate funds to the Department of Agriculture for improvements at the Rollins Animal Disease Diagnostic Laboratory.

Referred to **Appropriations Committee.**

By Senators Conder and Plyler:

S.B. 282, a bill to allow the City of Rockingham to make satellite annexations of less than an entire subdivision when the property is developed for commercial or industrial use.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Conder and Plyler:

S.B. 283, a bill to prohibit the taking of deer with dogs in a portion of Richmond County.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Hobbs, Odom, Conder, Perdue, Plyler, and Rand:

S.B. 284, a bill to modify the permitted use for highway access funds for volunteer fire companies and rescue squads.

Referred to **Transportation Committee.**

By Senators Albertson, Shaw, Foxx, Hoyle, Edwards, Dannelly, Kerr, Perdue, Martin of Guilford, Warren, Davis, Blackmon, Forrester, Simpson, Odom, East, McDaniel, Kincaid, Hartsell, Allran, Carpenter, Carrington, Webster, and Cochrane:

S.R. 285, a Senate simple resolution memorializing Congress to relieve small water supply systems from complying with unnecessary federal testing requirements for drinking water supplies.

The Chair rules, pursuant to Rule 40(b), the resolution ineligible and orders the measure held in the Office of the Principal Clerk.

By Senators Albertson, Blackmon, Speed, Carpenter, East, Forrester, Carrington, Webster, Hoyle, Martin of Pitt, Warren, Perdue, Gulley, Cochrane, and Foxx:

S.B. 286, a bill to require laboratories to perform composite testing of water samples as part of the laboratory certification program in an effort to reduce costs of water tests.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Allran, Perdue, Forrester, Carpenter, Cochrane, Little, East, Davis, Hartsell, Lucas, Winner, Simpson, Gulley, and Plexico:

S.B. 287, a bill to amend the law regarding statutory rape and the age of consent.

Referred to **Judiciary I/Constitution Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 7, a bill to amend the Constitution of North Carolina to authorize the General Assembly to enact legislation allowing each county to (i) increase the amount of the property tax homestead exemption for low-income elderly and disabled individuals in that county and (ii) raise the definition of "low-income" so

that more elderly and disabled individuals can qualify for the exemption, upon second reading.

Senator Cooper offers a motion the bill be taken from the Calendar for March 1 and placed on the Calendar for Thursday, March 2, which motions prevail.

The Chair orders the bill taken from the Calendar for March 1 and places it on the Calendar for Thursday, March 2, for consideration upon its passage.

With unanimous consent, the President grants a leave of absence for the remainder of today's session to Senator Gulley.

S.B. 118, a bill to clarify that unpaid volunteer medical directors for emergency medical services (EMS) agencies are covered by the good samaritan statute.

The bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives.

S.B. 207, a bill to modify the bond requirements for public utilities providing water or sewer services as recommended by the Joint Legislative Utility Review Committee.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

REPORT TO GENERAL ASSEMBLY

A Board, Commission, or Agency directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 143B–181.1A of the North Carolina General Statutes, the Department of Human Resources, Division of Aging, submits the 1995 State Aging Services Plan.

APPOINTMENTS

STATE–OWNED SUBMERGED LANDS ADVISORY COMMITTEE

H.B. 67

Pursuant to Chapter 2 of the 1995 Regular Session Laws, (House Bill 67), Senator Basnight, President *Pro Tempore*, announces the following appointments to the **State–Owned Submerged Lands Advisory Committee** as follows: Senator Charles Albertson, Co–Chair; Mr. Haywood Weeks, Beaufort; Mr. Drew Willis, New Bern; Ms. Eve Trow, Kill Devil Hills; Mr. Claude Wheatly, Jr., Beaufort; Dr. Jim Easley, North Carolina State University, Raleigh; Mr. Harry Schiffman, Manteo; Mr. Charles Kauth, High Point; Mr. Terry Pratt, Merry Hill; and Mr. George Rountree, III, Wilmington.

On motion of Senator Basnight, seconded by Senator Jordan, the Senate adjourns at 3:17 P.M., in memory of Senator John Bonnell Codington, M.D., to meet tomorrow, Thursday, March 2, at 2:00 P.M.

TWENTY-SECOND DAY

SENATE CHAMBER,
Thursday, March 2, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Howard M. Todd, Pastor of Zebulon First Baptist Church in Zebulon as follows:

"Eternal and Merciful God, we thank You for this universe, our great home, for its vastness and its riches. We thank Thee for our senses by which we can see the splendor of the day, hear the jubilant songs of love, and smell the breath of the springtime. Father, we pray Thee, a heart wide open to all this joy and beauty, and save our souls from being so steeped in care, or so darkened by passion that we passed heedless and unseeing when even the thorn bush by the wayside is aflame with the Glory of God.

"Teach us, Dear Lord, that we work for Thee in all of our doings. Preserve us from all selfishness, all pride, and all dishonor to Thee. Provide us the will to do for those that cannot do for themselves. Teach us to seek first Thy Kingdom and the righteousness which our Savior has provided, and then all else shall be added unto us. Through Jesus Christ, our Lord, Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Smith, who is in the hospital.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, March 1, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (44–1).

The President of the Senate extends courtesies of the floor to Dr. Valerie Laing of Greenville, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Education/Higher Education Committee:**

S.B. 21, a bill to permit local boards of education to use funds allocated for teacher assistants to reduce class size, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended, and the proposed Committee Substitute bill 1569, which changes the title to read **S.B. 21** (Committee Substitute), a bill to permit local boards of education to use funds appropriated for teacher assistants and for program enhancement teachers to reduce class size pursuant to local school improvement plans, is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Committee Substitute bill is adopted.

The Chair orders the measure placed on the Calendar for Monday, March 6, for further consideration.

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 88, a bill to require the Department of Human Resources, Division of Youth Services to study and develop proposals designed to enhance the success of youth released from juvenile confinement facilities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lucas, the proposed Committee Substitute bill 1571 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 58, a bill to make technical corrections in voter registration laws and other election laws, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Foxx:

S.B. 288, a bill to allow Alleghany County to acquire property for use by the County Board of Education.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Foxx and East:

S.B. 289, a bill relating to the terms of office of the County Commissioners of Ashe County.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Soles and Conder:

S.B. 290, a bill to enhance the retirement benefits payable from the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Legislative Retirement System, and the Local Governmental Employees' Retirement System, and to provide for the funding of the benefits and for the funding of the Disability Income Plan for teachers and State employees.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Perdue:

S.B. 291, a bill to exempt certain nonprofit organizations from paying the license tax for specialty market operators.

Referred to **Finance Committee.**

By Senators Hoyle, Warren, and Forrester:

S.B. 292, a bill to change the method for calculating the reduction for early retirement in the Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Rand and Jordan:

S.B. 293, a bill to permit the importation and bottling of spirituous liquor within foreign trade zones located at the Wilmington and Morehead City Ports.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Rand:

S.B. 294, a bill to limit the issuance and renewal of barber certificates, permits, and licenses, to establish late fees for expired certificates and to make certain revisions to the law governing the Board of Barber Examiners and the sanitary rules.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Winner, Martin of Guilford, Martin of Pitt, Allran, and Cooper:

S.B. 295, a bill to enact a recommendation of the Child Fatality Task Force to clarify the authority of the Building Code Council to adopt provisions requiring the installation of smoke detectors in all residential rental property and to provide for mutual obligations between landlords and tenants regarding the installation and upkeep of smoke detectors.

Referred to **Judiciary I/Constitution Committee.**

CALENDAR

Bills and a resolution on the Calendar are taken up and disposed of, as follows:

S.B. 232, a bill to allow members of the Onslow County Board of Alcohol Control to serve three consecutive terms.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

The Chair extends courtesies of the floor to Bill Goldston, former Senator from Rockingham County.

S.B. 7, a bill to amend the Constitution of North Carolina to authorize the General Assembly to enact legislation allowing each county to (i) increase the amount of the property tax homestead exemption for low-income elderly and disabled individuals in that county and (ii) raise the definition of "low-income" so that more elderly and disabled individuals can qualify for the exemption, upon second reading.

Senator Cooper offers Amendment No. 1 which is adopted (44-4).

Receiving a three-fifths affirmative majority vote, the bill, as amended, passes its second reading by roll call vote, ayes 44, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Conder, Cooper, Dannelly,

East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—44.

Voting in the negative: Senators Cochrane, Davis, Forrester, and Webster—4.

The bill, as amended, is ordered placed on the Calendar for Monday, March 6, for further consideration upon third reading.

S.B. 146 (Committee Substitute), a bill to amend the North Carolina Seed Law.

The Committee Substitute bill passes its second (44–1) and third readings and is ordered sent to the House of Representatives.

S.J.R. 225, a joint resolution inviting the Honorable Burley B. Mitchell, Jr., Chief Justice of the Supreme Court, to address a Joint Session of the House of Representatives and the Senate.

The joint resoluction passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

CONFERENCE REPORT

S.B. 3 (House Committee Substitute)

Senator Cooper for the Conferees appointed to consider the differences between the Senate and the House of Representatives on **S.B. 3** (House Committee Substitute), a bill to provide for a referendum to amend the Constitution to provide for a gubernatorial veto, submits the following report:

To: The President of the Senate
The Speaker of the House of Representatives:

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 3, AN ACT TO PROVIDE FOR A REFERENDUM TO AMEND THE CONSTITUTION TO PROVIDE FOR A GUBERNATORIAL VETO, Second Edition 2/8/95, submit the following report:

That the Senate concurs in the House Committee Substitute for Senate Bill 3, Second Edition 2/8/95, with the following amendments:

on page 1, line 13, by rewriting the line to read:
"house and shall be signed by the presiding officer of each house"; and

on page 2, line 11, by rewriting the line to read:
"other matter, shall be read three times in each house before it becomes law, and shall be"; and

on page 2, lines 34 through 43, by rewriting the lines to read:

"(a) Would extend the application of a law signed by the presiding officers during that two year term of the General Assembly so that the law would apply in more than half the counties in the State, or

(b) Would enact a law identical in effect to another law or laws signed by the presiding officers during that two year term of the General Assembly that the result of those laws taken together would be a law applying in more than half the counties in the State.

Notwithstanding any other language in this".

The House agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: March 2, 1995.

S/Roy A. Cooper, III	S/N. Leo Daughtry
S/Betsy L. Cochrane	S/John M. Nichols
S/William N. Martin	S/James B. Black
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Cooper, the Chair orders the Conference Report placed on the Calendar for Tuesday, March 7, for adoption, upon second reading.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Webster.

REPORT TO GENERAL ASSEMBLY

A Board, Commission, or Agency directed to report to the General Assembly submits a report (See *Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 769, Part 15 of the 1993 Session Laws, the Office of the State Controller submits its review of the Department of Revenue's Chart of Accounts.

On motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns at 2:43 P.M., to meet Monday, March 6, at 7:00 P.M.

TWENTY-THIRD DAY

SENATE CHAMBER,
Monday, March 6, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, by Your countless gifts, we have been sustained during our pilgrimage through life. Each of us lives 'in the red,' indebted to You for all Your gifts.

"Loving Lord, as we pause to begin a new week here in the Senate, let us remember not only who we are, but also Whose we are.

"While so many judge us and put a great emphasis on our lives of outer service, let us be determined to put a corresponding emphasis upon our inner lives of devotion to You.

"For all the good that has come to us through Your Grace, for all that has been and is, and is yet to be, we give thanks. In Your Holy Name we pray, Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Smith due to hospitalization; to Senator Hartsell to attend a meeting of Cabarrus County Commissioners; and to Senator Odom due to court case calendaring.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, March 2, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (43–0).

The President of the Senate extends courtesies of the floor to Dr. Bertram W. Coffer of Raleigh, who is serving the Senate as Doctor of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Speed:
S.B. 296, a bill to provide that the laws relating to motor vehicles apply within the Lake Royale Community in Franklin and Nash Counties.
Referred to **Transportation Committee**.

By Senators Blackmon and Gulley:
S.B. 297, a bill to reduce the cost of providing indigent representation in criminal cases by authorizing the Administrative Officer of the Courts to contract with a particular attorney or attorneys to provide specialized services on a full–time basis in capital indigent cases.
Referred to **Judiciary II/Election Laws Committee**.

By Senators Odom and Forrester:
S.B. 298, a bill to implement the recommendations of the Governor's Task Force on Driving While impaired.
Referred to **Judiciary I/Constitution Committee**.

By Senators Parnell, Blackmon, Kincaid, Albertson, Foxx, Allran, Lucas, Webster, Forrester, Hobbs, Cochrane, Soles, Speed, Carpenter, McKoy, Hoyle, Martin of Pitt, Perdue, Conder, Ballantine, Shaw, Horton, Sawyer, and Plexico:
S.B. 299, a bill to allow a percentage discount to merchants for collecting State sales and use taxes.
Referred to **Finance Committee**.

By Senators Parnell and Carpenter:
S.B. 300, a bill to authorize the Department of Commerce to pledge block grant funds as loan guarantees pursuant to the Housing and Community Development Act.
Referred to **Commerce Committee**.

By Senators Parnell and Carpenter:
S.B. 301, a bill relating to managed care operations.
Referred to **Pensions and Retirement/Insurance/State Personnel Committee**.

By Senators Cooper and Ballance:

S.B. 302, a bill to appropriate funds to eradicate hydrilla in Lake Gaston.

Referred to **Appropriations Committee.**

By Senators Cochrane, Hoyle, and Carpenter:

S.B. 303, a bill to provide for removal of members of State Board of Community Colleges after unexcused absences from three consecutive scheduled Board meetings.

Referred to **Education/Higher Education Committee.**

By Senators Odom, Plexico, Dannelly, and Winner:

S.B. 304, a bill to provide for the collection of information regarding the population of aboveground storage tanks for oil and hazardous substances, to identify those releases and spills of oil or hazardous substances that are reported that involve aboveground storage tanks, to designate a central clearinghouse for the collection of data regarding aboveground storage tanks, to provide for the subsequent study of issues concerning aboveground storage tanks in light of this data, and to appropriate funds for these purposes.

Referred to **Appropriations Committee.**

By Senators Winner, Martin of Guilford, Martin of Pitt, Allran, and Gulley:

S.B. 305, a bill to prohibit the sale of certain pyrotechnics in North Carolina.

Referred to **Judiciary I/Constitution Committee.**

By Senators Winner, Martin of Guilford, Cooper, Martin of Pitt, Allran, and Gulley:

S.B. 306, a bill recommended by the Child Fatality Task Force to appropriate funds for additional foster care licensing and placement workers.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Davis, Hoyle, East, Carpenter, Forrester, and Hartsell:

S.B. 307, a bill to authorize sanitary districts to have the right to immediate possession of certain property acquired by eminent domain.

Referred to **Judiciary II/Election Laws Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 3 (Committee Substitute), a bill to provide governmental accountability and protection to the taxpayers by limiting increases in the General Fund budget, reforming the budget process, establishing an Emergency Reserve Trust Fund, and prohibiting unfunded State mandates.

Referred to **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 7 (Committee Substitute), a bill to restore constitutional powers to the State Board of Education and to make conforming and technical changes.

Referred to **Education/Higher Education Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 7, a bill to amend the Constitution of North Carolina to authorize the General Assembly to enact legislation allowing each county to (i) increase the amount of the property tax homestead exemption for low-income elderly and disabled individuals in that county and (ii) raise the definition of "low-income" so that more elderly and disabled individuals can qualify for the exemption, as amended, upon third reading.

With unanimous consent, on motion of Senator Cooper, the bill, as amended, is re-referred to the **Finance Committee.**

S.B. 21 (Committee Substitute), a bill to permit local boards of education to use funds appropriated for teacher assistants and for program enhancement teachers to reduce class size pursuant to local school improvement plans.

With unanimous consent, on motion of Senator Winner, consideration of the Committee Substitute bill is postponed until Wednesday, March 8.

S.B. 58, a bill to make technical corrections in voter registration laws and other election laws.

The bill passes its second (43-2) and third readings and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title together with the report accompanying it, and take its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 119, a bill to provide qualified immunity to professional engineers who voluntarily provide engineering services during an emergency without compensation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 5542, which changes the title to read **S.B. 119** (Committee Substitute), a bill to provide qualified immunity to professional engineers who voluntarily provide engineering services during a declared emergency or disaster without compensation, is placed before the Senate for immediate consideration.

On motion of Senator Cooper the Committee Substitute bill is adopted.

The Chair orders the measure placed on the Calendar for Tuesday, March 7, for further consideration.

PAGES

The President recognizes the following pages serving in the Senate this week:

Alison Vanessa Barham, Pine Level; Amy Cloud, Chapel Hill; Davina Sherie Daniel, Rocky Mount; Ashley Dotger, Mount Pleasant; Mandi Tandrell Facison, Fayetteville; Kenita Rosalie Farrington, Chapel Hill; Christina Fiske, Franklin; Emily Suzanne Hester, Forest City; Lori Anne Jolly, Taylorsville; Africa Latoya Joyner, Kinston; Jennifer Diana Kale, Lincolnton; Ashley Mandel, Thomasville; LaRae Stewart McLamb, Coats; Sabriya Muhammad, Jarvisburg; Aline Quenum, Fayetteville; Laura Lynn Ray, Burnsville; Jennifer Santhouse, Raleigh; Margaret Snoke, Cary; and JaCinthia Yvette Speight, Wilson.

On motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 7:22 P.M. to meet tomorrow, Tuesday, March 7, at 2:00 P.M.

TWENTY-FOURTH DAY

SENATE CHAMBER,
Tuesday, March 7, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"With all that must be done this day, we pray as prayer a hymn penned by the poet, John Greenleaf Whittier, so that we, in our hurry, do not run on without You.

Dear Lord and Father of humankind, forgive our foolish ways;
Reclothe us in our rightful mind; in purer lives Thy Service find.
In deeper reverence, praise, take from our souls the strain and stress
And let our ordered lives confess the beauty of Thy peace.
Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Smith due to hospitalization.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, March 6, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (38–0).

The President of the Senate extends courtesies of the floor to Dr. Chalmers Nunn of Rocky Mount, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Commerce Committee:**

S.B. 271, a bill to remove the sunset on fuel cost adjustment for electric utilities, with a favorable report.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee:**

S.B. 286, a bill to require laboratories to perform composite testing of water samples as part of the laboratory certification program in an effort to reduce costs of water tests, with a favorable report.

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 229, a bill to remove impediments and disincentives to donating conservation land or preservation structures or sites, with a favorable report.

S.B. 54, a bill to make statutory conforming changes necessitated by an act to provide for a gubernatorial line-item reduction veto.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 8563, which changes the title to read **S.B. 54** (Committee Substitute), a bill to make statutory conforming changes necessitated by an act to provide for a gubernatorial veto, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted.

With unanimous consent, the Chair orders the measure placed on the Calendar for Wednesday, March 8, for further consideration.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Speed, Forrester, and Cochrane:
S.B. 308, a bill to amend the law regarding Medicaid fraud.
Referred to **Judiciary II/Election Laws Committee.**

By Senator McDaniel:
S.B. 309, a bill relating to notices of lis pendens by the City of Winston-Salem.
Referred to **Judiciary II/Election Laws Committee.**

By Senator Rand:
S.B. 310, a bill to make employees of State licensing and examining boards members of the Teachers' and State Employees' Retirement System.
Referred to **Pensions and Retirement/Insurance/State Personnel Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Albertson, Warren, Dannelly, and Martin of Pitt:
S.B. 311, a bill to appropriate funds for the Biological Pest Control Program within the Department of Agriculture.
Referred to **Appropriations Committee.**

By Senators Horton and Cochrane:

S.B. 312, a bill to allow an insanity hearing for a defendant found not guilty by reason of insanity to be held in the same county as the respondent's trial was held.

Referred to **Judiciary II/Election Laws Committee.**

By Senators East, McDaniel, Carrington, Clark, Ledbetter, Forrester, Webster, McKoy, Davis, Horton, Little, Foxx, and Sawyer:

S.B. 313, a bill to make the Legislative Retirement System optional.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Albertson, Speed, Warren, and Dannelly:

S.B. 314, a bill to appropriate funds to the Department of Agriculture for international agricultural marketing.

Referred to **Appropriations Committee.**

By Senators Albertson, Speed, Warren, Gulley, and Dannelly:

S.B. 315, a bill to appropriate funds to the Department of Agriculture to reinstate the Pesticide Disposal Program.

Referred to **Appropriations Committee.**

By Senators Carrington, Sherron, Gulley, and McKoy:

S.B. 316, a bill to grant the Town of Apex a temporary exemption from the total amount of noncontiguous territory that may be annexed.

Referred to **Local Government and Regional Affairs Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 115 (Committee Substitute), a bill to modify the appointment of the Halifax ABC Board and to provide that distribution of revenue shall be according to General Statute.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 146, a bill to allow the City of Lumberton to enact ordinances regulating the towing of motor vehicles that have been abandoned and are not covered by financial responsibility.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

A bill and a conference report on the Calendar are taken up and disposed of as follows:

S.B. 3 (House Committee Substitute), a bill to provide for a referendum to amend the Constitution to provide for a gubernatorial veto, Conference Report submitted March 2, for adoption, upon second reading.

On motion of Senator Cooper, the Senate adopts the Conference Report, by a three-fifths affirmative majority on its second reading by roll-call vote, ayes 45, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Webster—45.

Voting in the negative: Senators Ballance, Gulley, and Winner—3.

With unanimous consent, the Conference Report remains before the Senate for adoption upon third reading.

Receiving a three-fifths affirmative majority vote, the Conference Report is adopted on its third reading by roll-call vote, ayes 45, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Webster—45.

Voting in the negative: Senators Ballance, Gulley, and Winner—3.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

S.B. 16 (House Committee Substitute)

Senator Perdue, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S.B. 16**, a bill directing the State Board of Education to recommend changes in the public school system, which House Committee Substitute bill proposes to change the title, upon concurrence, to read **S.B. 16** (House Committee Substitute), a bill directing the State Board of Education to develop a plan for the reorganization of the Department of Public Instruction, submits for adoption the following report, which proposes to further change the title, upon adoption, to read **S.B. 16** (House Committee Substitute), a bill directing the State Board of Education to recommend changes in the public school system.

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 16, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN FOR THE REORGANIZATION OF THE DEPARTMENT OF PUBLIC INSTRUCTION, House Committee Substitute Favorable 2/9/95, submit the following report:

The Senate and House agree to the following amendment to House Committee Substitute Favorable 2/9/95, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute and substitute the attached Proposed Committee Substitute PCCS 9536.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: March 6, 1995.

S/Beverly M. Perdue	S/Steve Wood
S/Leslie Winner	S/David Miner
S/Teena S. Little	S/N. Leo Daughtry
	S/Carolyn Russell
Conferees for the Senate	*Conferees for the House of Representatives*

The text of the proposed Conference Committee Substitute 9536 reads as follows:

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO RECOMMEND CHANGES IN THE PUBLIC SCHOOL SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. The State Board of Education shall examine the structure and functions of the State public school system with a view to improving student performance, increasing local flexibility and control, and promoting economy and efficiency, and shall recommend changes in the public school system to the General Assembly. In carrying out this examination, the State Board of Education shall consider ways to reorder priorities and place greater emphasis on the basics – reading, communication skills, and mathematics – in the areas of staff development, the State testing program, the State accreditation program, the use of remediation funds, the instructional program, and other components of the State public school system. The State Board of Education shall also consider the impact the changes it is considering will have on the mission of the Department of Public Instruction.

The State Board shall make a preliminary report to the General Assembly prior to May 1, 1995, and a final report prior to March 1, 1996, on the results of its examination of the State public school system. The report shall include any proposed legislation necessary to implement the State Board's recommendations.

Sec. 2. The State Board of Education shall also examine the administrative organization of the Department of Public Instruction with a view to (i) increasing local flexibility and local control of education, (ii) promoting economy and efficiency in government in the interest of producing cost savings that can be used to provide funds for textbooks, school supplies, and equipment, and for reducing class size, and (iii) improving student performance. The State Board of Education, as a result of these examinations, shall propose necessary changes in the mission of the Department of Public Instruction and methods of implementing those changes. The State Board of Education shall develop a plan for reducing, eliminating,

and/or reorganizing the Department of Public Instruction. A reorganization may include the assignment or reassignment of the Department's duties and functions among divisions and other units, division heads, officers, and employees.

The proposed reduction, elimination, and/or reorganization of the Department shall have a goal of resulting in a decrease of at least fifty percent (50%) in the number of employee positions assigned to the Department and a decrease of at least fifty percent (50%) in the Department's budget by January 1, 1996.

The State Board of Education shall make a preliminary report to the General Assembly prior to March 31, 1995, and a final report prior to May 1, 1995, on the reduction, elimination, and/or reorganization plan it develops.

Sec. 3. The State Board of Education shall fully inform and consult with the Superintendent of Public Instruction and the chairs of the Education Committees and the Education Appropriation Subcommittees of the Senate and the House of Representatives on a regular basis as the Board carries out its duties under this act.

Sec. 4. The Director of the Budget shall authorize the expenditure of up to one hundred thousand dollars ($100,000) from existing funds by the State Board of Education to contract for outside consultants and assistance to assist the State Board in carrying out its duties under this act. The Office of State Budget and Management, the State Auditor, and other appropriate State agencies shall also provide consultation as requested by the chairman of the State Board of Education as needed to develop the plans set out in this act.

Sec. 5. This act is effective upon ratification.

Senator Perdue offers a motion the Conference Report be placed on today's Calendar in its regular order of business for adoption, which motion prevails.

The Chair orders the Conference Report placed on the Calendar following **S.B. 119.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 3 House of Representatives
(House Committee Substitute) March 7, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 3**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A REFERENDUM TO AMEND THE CONSTITUTION TO PROVIDE FOR A GUBERNATORIAL VETO, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill enrolled.

S.B. 119 (Committee Substitute), a bill to provide qualified immunity to professional engineers who voluntarily provide engineering services during a declared emergency or disaster without compensation.

The Committee Substitute bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives.

S.B. 16 (House Committee Substitute), a bill directing the State Board of Education to recommend changes in the public school system, Conference Report, placed earlier today on the Calendar for adoption.

On motion of Senator Perdue, the Senate adopts the Conference Report (48–0), changing the title.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 164 (Committee Substitute), a bill to mandate criminal history checks of all foster parents in licensed family foster homes and to appropriate funds, as rewritten by the **Judiciary I/Constitution Committee**, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

H.B. 80, a bill to repeal the special use tax on construction equipment brought into the State, with a favorable report.

S.B. 120, a bill to provide uniform tax treatment of North Carolina obligations and federal obligations, with a favorable report, as amended.

S.B. 155, a bill to authorize the Division of Motor Vehicles to issue a temporary license plate that is valid for up to sixty days, with a favorable report, as amended.

S.B. 44, a bill to provide for special registration plates for supporters of professional sport teams, as amended, with a unfavorable report as to bill, as amended, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill 7561 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Chair orders the measure placed on the Calendar for Wednesday, March 8, for further consideration.

PAGES

Heather Miller of Thomasville, being introduced last night as a page serving in the Senate this week, is present today.

On motion of Senator Basnight, seconded by Senator Blackmon, the Senate adjourns at 2:39 P.M., to meet tomorrow, Wednesday, March 8, at 2:00 P.M.

TWENTY-FIFTH DAY

SENATE CHAMBER,
Wednesday, March 8, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, after he was called to an accounting by the Prophet Nathan, King David in response prayed: 'Create in me a clean heart, O God, and put a new and right spirit within me.'

"David had learned what we also know, that it is often much easier to fight for our principles than to live up to them.

"Remind us, O Lord, of the Holy Principles by which we are called as Your children. Then, by Your Grace and our determination help us to live up to them. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization; to Senator Sawyer; and to Senator Conder due to knee surgery.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, March 7, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (45–0).

The President of the Senate extends courtesies of the floor to Dr. Robert Jacobson of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 3 (House Committee Substitute), an act to provide for a referendum to amend the Constitution to provide for a gubernatorial veto. (Ch. 5)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Education/Higher Education Committee:**

H.B. 181 (Committee Substitute), a bill to change the pay date for the Caldwell County Schools, with a favorable report, as amended.

With unanimous consent, on motion of Senator Winner, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration upon its passage. On her further motion Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (46–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, without objection, by special messenger.

By Senator Kerr for the **Finance Committee:**

S.B. 7, a bill to amend the Constitution of North Carolina to authorize the General Assembly to enact legislation allowing each county to (i) increase the amount of the property tax homestead exemption for low–income elderly and disabled individuals in that county and (ii) raise the definition of "low–income" so that more elderly and disabled individuals can qualify for the exemption, as amended, with a favorable report.

The Chair announces the bill, as amended, passed its second reading on March 7, prior to referral to the **Finance Committee** and rules the measure upon its third reading.

The Chair orders the measure, as amended, placed on the Calendar for tomorrow, Thursday, March 9, upon third reading.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Perdue, Edwards, and Cochrane:

S.B. 317, a bill to repeal the Advisory Committee on Home and Community Care.

Referred to **Children and Human Resources Committee.**

By Senators Edwards, Perdue, and Cochrane:

S.B. 318, a bill to change the time requirement for the updating of the plan for serving older adults.

Referred to **Children and Human Resources Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Jordan:

S.B. 319, a bill to appropriate funds to support programs of the Rural Economic Development Center, Inc.

Referred to **Appropriations Committee.**

By Senator Hartsell:

S.B. 320, a bill to be known as the North Carolina Uniform Custodial Trust Act and to make conforming amendments to the power of attorney statutes, as recommended by the General Statutes Commission.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Little and Davis:

S.B. 321, a bill authorizing the State Board of Education to adopt eligibility rules for interscholastic athletic competition.

Referred to **Education/Higher Education Committee.**

By Senators Horton, McDaniel, Sawyer, Ledbetter, Clark, Blackmon, Foxx, Shaw, Carrington, Cochrane, Little, Forrester, Hartsell, and Carpenter:

S.B. 322, a bill to require voters to sign the pollbook before voting.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Horton, Gulley, McDaniel, Sawyer, Clark, McKoy, Blackmon, Cochrane, Shaw, Carrington, Foxx, Forrester, Little, Hartsell, Parnell, and Carpenter:

S.B. 323, a bill to provide that observers at a precinct's voting place need not be registered voters in that precinct but shall be registered voters in the county.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Rand, Perdue, Gulley, Cooper, Winner, Martin of Guilford, Warren, Dannelly, Albertson, Martin of Pitt, Hoyle, Kerr, Soles, Speed, Lucas, Simpson, Ballance, Parnell, Sherron, Odom, Hobbs, Edwards, Hartsell, East, Forrester, Plyler, Jordan, Carrington, Davis, Cochrane, Conder, Plexico, Ballantine, Horton, Little, and Webster:

S.B. 324, a bill to provide that a court may order payment of a fee to the Victims Compensation Fund by a defendant placed on probation.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Rand, Perdue, Gulley, Cooper, Winner, Martin of Guilford, Warren, Dannelly, Albertson, Martin of Pitt, Hoyle, Kerr, Soles, Speed, Lucas, Simpson, Plyler, Ballance, Sherron, Parnell, Odom, Carrington, Hartsell, East, Webster, Conder, Plexico, Horton, Davis, Cochrane, Hobbs, Jordan, Edwards, Little, and Forrester:

S.B. 325, a bill to allow the district attorney's designee or a special prosecutor to request that an investigative grand jury be convened to consider certain alleged violations of the North Carolina Controlled Substances Act.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Martin of Pitt:

S.B. 326, a bill to appropriate funds to the Rural Economic Development Center, Incorporated, for job training in eastern North Carolina.

Referred to **Appropriations Committee.**

By Senators Martin of Pitt and Albertson:

S.B. 327, a bill to appropriate funds to the Agricultural Finance Authority for the Reserve for Farm and Agribusiness Loans.

Referred to **Appropriations Committee.**

By Senators Martin of Pitt, Albertson, and Hoyle:

S.B. 328, a bill to appropriate funds to the Department of Agriculture for a grain grading training program.

Referred to **Appropriations Committee.**

By Senators Hoyle, Jordan, Kerr, Martin of Pitt, Albertson, Perdue, Ballantine, and Blackmon:

S.B. 329, a bill to expand the State ports tax credit.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Hoyle:

S.B. 330, a bill to ensure representation of both for-profit and nonprofit institutions on the State Board of Examiners for Nursing Home Administrators.

Referred to **Children and Human Resources Committee.**

By Senators Hoyle, Plyler, Martin of Pitt, Conder, Hobbs, Odom, Dannelly, Kerr, Forrester, and Davis:

S.B. 331, a bill to provide a limited tolerance for existing truck weights.

Referred to **Transportation Committee.**

By Senators Warren, Albertson, East, and Carpenter:

S.B. 332, a bill to raise the maximum late payment charge for revolving credit loans.

Referred to **Commerce Committee.**

By Senators Albertson, Dannelly, Martin of Pitt, Winner, Gulley, Martin of Guilford, Warren, Hoyle, Kerr, and Perdue:

S.B. 333, a bill to authorize the addition of Run Hill State Natural Area to the State Parks System.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Cochrane, Edwards, Parnell, Carpenter, and Martin of Pitt:

S.B. 334, a bill to make clarifying changes to the Long-Term Care Ombudsman Program law, the Nursing Home Community Advisory Committee law, and the Adult Care Home Community Advisory Committee law.

Referred to **Children and Human Resources Committee.**

By Senator Odom:

S.B. 335, a bill to appropriate funds for the Central Cancer Registry.

Referred to **Appropriations Committee.**

By Senators Odom, Blackmon, Winner, and Dannelly:

S.B. 336, a bill to establish an additional superior court judgeship and five additional assistant district attorney positions for Mecklenburg County and to appropriate funds for the Mecklenburg County Drug Court Program.

Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Odom:

S.B. 337, a bill to appropriate funds to the Department of Human Resources for a grant–in–aid to the Caring Program for Children.

Referred to **Appropriations Committee.**

By Senators Ballance and Carrington:

S.B. 338, a bill to provide that the Governor may fill district court vacancies by appointment of any licensed attorney who is a resident of the district.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Plyler, Conder, and Hartsell:

S.B. 339, a bill to grant added powers to the Stanly Airport Authority related to constructing an industrial park.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Plyler, Perdue, Odom, Conder, Rand, Plexico, Jordan, Hobbs, Hoyle, and Albertson:

S.B. 340, a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies and for other purposes.

Referred to **Appropriations Committee.**

By Senators Soles and Conder:

S.B. 341, a bill to bring the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Local Governmental Employees' Retirement System, and the Legislative Retirement System into compliance with the Internal Revenue Code and to bring the Supplemental Retirement Income Plans for State and Local Law Enforcement Officers into compliance with the Uniformed Services Employment and Reemployment Rights Act.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senator Soles:

S.B. 342, a bill to improve insurance company financial matters by adopting standards for assumption reinsurance, material transactions, and property and casualty insurer capital.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 55 (Committee Substitute), a bill to provide that sales tax preferences for agriculture apply to aquaculture.

Referred to **Finance Committee.**

H.B. 205 (Committee Substitute), a bill to add Alexander, Burke, Caldwell, and McDowell Counties to those counties requiring that all vessels carry personal flotation devices.

Referred to **Local Government and Regional Affairs Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 16
(House Committee Substitute)

House of Representatives
March 8, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **SB 16**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO RECOMMEND CHANGES IN THE PUBLIC SCHOOL SYSTEM, which proposed to change the title upon concurrence to read House Committee Substitute for **SB 16**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN FOR THE REORGANIZATION OF THE DEPARTMENT OF PUBLIC INSTRUCTION, and upon adoption the title becomes, Conference Committee Substitute for **SB 16**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO RECOMMEND CHANGES IN THE PUBLIC SCHOOL SYSTEM, and you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill enrolled.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

Senator Basnight, President Pro Tempore, presides over a portion of today's Session.

S.B. 44 (Committee Substitute), a bill to provide for special registration plates for supporters of professional sport teams, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, March 9, for further consideration upon third reading.

S.B. 120, a bill to provide uniform tax treatment of North Carolina obligations and federal obligations, upon second reading.

On motion of Senator Kerr, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Soles, Speed, Warren, Webster, and Winner—44.

Voting in the negative: Senator McDaniel—1.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, March 9, for further consideration upon third reading.

S.B. 229, a bill to remove impediments and disincentives to donating conservation land or preservation structures or sites, upon second reading.

Senator Odom rises to a point of order as to the bill requirement of a three-fifths majority vote.

The Chair takes the point of order under advisement and orders the bill temporarily displaced.

S.B. 21 (Committee Substitute), a bill to permit local boards of education to use funds appropriated for teacher assistants and for program enhancement teachers to reduce class size pursuant to local school improvement plans.

On motion of Senator Winner, the Chair orders, without objection, the bill temporarily displaced to the end of the regular order of business.

S.B. 54 (Committee Substitute), a bill to make statutory conforming changes necessitated by an act to provide for a gubernatorial veto.

Senator Cochrane offers Amendment No. 1 which is adopted (46–0).

The Committee Substitute bill, as amended, passes its second (44–2) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 155, a bill to authorize the Division of Motor Vehicles to issue a temporary license plate that is valid for up to sixty days.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (45–0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 271, a bill to remove the sunset on fuel cost adjustment for electric utilities.

The bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives.

S.B. 286, a bill to require laboratories to perform composite testing of water samples as part of the laboratory certification program in an effort to reduce costs of water tests.

Senator Simpson offers Amendment No. 1 which is adopted (45–0).

The bill, as amended, passes its second (44–0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 80, a bill to repeal the special use tax on construction equipment brought into the State.

The bill passes its second (44–0) and third readings and is ordered enrolled.

S.B. 229, a bill to remove impediments and disincentives to donating conservation land or preservation structures or sites, temporarily displaced earlier, upon second reading, with a point of order under advisement.

The Chair rules the measure requires a call of the roll by simple majority pursuant to Article II Section 23 of the Constitution.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Warren, Webster, and Winner—44.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Thursday, March 9, for further consideration upon third reading.

S.B. 21 (Committee Substitute), a bill to permit local boards of education to use funds appropriated for teacher assistants and for program enhancement teachers to reduce class size pursuant to local school improvement plans, temporarily displaced earlier.

The Committee Substitute bill passes its second reading (37-8).

Senator Kerr objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, March 9, for further consideration upon third reading.

REPORTS TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 689 of the 1991 Session Laws, the North Carolina Department of Human Resources, Division of Youth Services, submits a report of progress achieved to date for the seven projects included in the Prison Bond Package.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee**:

S.B. 222, a bill to provide that the laws relating to motor vehicles apply within the Seven Lakes Community in Moore County, with a favorable report, as amended.

S.B. 288, a bill to allow Alleghany County to acquire property for use by the County Board of Education, with a favorable report.

S.B. 283, a bill to prohibit the taking of deer with dogs in a portion of Richmond County, with a favorable report.

S.B. 282, a bill to allow the City of Rockingham to make satellite annexations of less than an entire subdivision when the property is developed for commercial or industrial use, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 265, a bill to establish a season for hunting foxes with firearms and bow and arrow in Caldwell County, with a favorable report.

S.B. 264, a bill to revive the Charter of the Town of Bethania, with a favorable report.

Pursuant to Rule 42, the Chair orders the bill re-referred to the **Finance Committee**.

H.B. 121, a bill to allow the hunting of deer with muzzle-loading rifles of any caliber during muzzle-loading deer season in Scotland County, with a favorable report.

On motion of Senator Basnight, seconded by Senator Clark, the Senate adjourns at 3:46 P.M. to meet tomorrow, Thursday, March 9, at 1:30 P.M.

TWENTY-SIXTH DAY

SENATE CHAMBER,
Thursday, March 9, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, it is an occupational hazard for those of us who have been so blessed and who are committed to building a better world to get caught up in the architecture of that process.

"We simply pray today, O Lord, that You remind us of the foundations on which the Kingdom of God is built, that in all our abundance we may never forget to be kind, that we be unselfish in friendship, thoughtful of those less fortunate than ourselves and eager to bear the burdens of others. We pray in Your Holy Name, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith, due to hospitalization; to Senator Conder, due to knee surgery; to Senator Odom, due to business; to Senator Sawyer; and to Senator Plexico, due to illness.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, March 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Barry Ostrow of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 16 (House Committee Substitute), an act directing the State Board of Education to recommend changes in the public school system. (Ch. 6)

H.B. 80, an act to repeal the special use tax on construction equipment brought into the State. (Ch. 7)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Jordan:
S.B. 343, a bill to appropriate funds to the New Hanover Community Health Center, Incorporated, for capital expenses.
Referred to **Appropriations Committee.**

By Senator Kerr:
S.B. 344, a bill to establish the requirements for certification to teach notary courses, to allow revocation of notarial commissions for notaries who fail to administer oaths or affirmations, and to provide that applicants for recommissioning need not obtain the recommendation of a publicly elected official.
Referred to **Judiciary II/Election Laws Committee.**

By Senator Soles:
S.B. 345, a bill to make substantive changes to the insurance laws.
Referred to **Pensions and Retirement/Insurance/State Personnel Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Foxx, Martin of Pitt, McDaniel, Ballance, Carrington, and Lucas:
S.B. 346, a bill to repeal the State Work Program as the JOBS Program becomes statewide.
Referred to **Children and Human Resources Committee.**

By Senators Rand, Kerr, Hoyle, Albertson, Martin of Pitt, Warren, and Carrington:
S.B. 347, a bill to appropriate funds to the Department of Agriculture for the Cape Lookout Studies Program.
Referred to **Appropriations Committee.**

By Senator Hoyle:
S.B. 348, a bill to permit the State to use the Setoff Debt Collection Act to recoup funds owed by teachers who do not fulfill their obligations under the National Board for Professional Teaching Standards Program.
Referred to **Finance Committee.**

By Senator Hoyle:
S.B. 349, a bill to revise the membership of the Housing Coordination and Policy Council.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Rand and Albertson:
S.B. 350, a bill to appropriate funds to the Department of Agriculture for the expansion of the Maritime Museum.
Referred to **Appropriations Committee.**

By Senators Plyler, Rand, Perdue, Odom, and Hobbs:
S.B. 351, a bill to provide for special registration plates for Festival 600.
Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Plyler, Perdue, Odom, Rand, Plexico, Hoyle, Kerr, Martin of Pitt, Winner, Martin of Guilford, Warren, and Ballance:
S.B. 352, a bill to make base budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes.
Referred to **Appropriations Committee.**

By Senator Parnell:
S.B. 353, a bill to make technical amendments and corrections in the insurance laws.
Referred to **Pensions and Retirement/Insurance/State Personnel Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Sherron:
S.B. 354, a bill to appropriate funds to the Department of Commerce for the Partnership for Quality Growth.
Referred to **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 63, a bill to require local school boards to provide the North Carolina Historical Commission with notice of plans to replace old school buildings by submitting the feasibility and cost analyses for review by the Commission, for concurrence in House Amendment No. 1.
On motion of Senator Jordan, the rules are suspended and the bill is placed before the Senate for immediate consideration upon concurrence.
The Senate concurs in House Amendment No. 1 (38-0) and the measure is ordered enrolled.

H.B. 197, a bill to provide a four-year term for the mayor of the Town of Roseboro.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 339, a bill to provide that the laws relating to motor vehicles apply within the Seven Lakes Community in Moore County.

On motion of Senator Hobbs, the rules are suspended and the bill is placed on the Calendar for today for consideration upon its passage immediately following **S.B. 222**.

EXECUTIVE ORDER

An Executive Order received (See *Appendix*) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 72, North Carolina State Postsecondary Eligibility Review Commission.

Referred to **Appropriations Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 288, a bill to allow Alleghany County to acquire property for use by the County Board of Education, upon second reading.

The bill passes its second reading by roll–call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Warren, Webster, and Winner—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, March 13, for further consideration upon third reading.

S.B. 222, a bill to provide that the laws relating to motor vehicles apply within the Seven Lakes Community in Moore County.

On motion of Senator Hobbs, the Chair orders, without objection, the bill temporarily displaced.

H.B. 339, a bill to provide that the laws relating to motor vehicles apply within the Seven Lakes Community in Moore County, placed earlier today on the Calendar upon its passage.

The bill passes its second (42–0) and third readings and is ordered enrolled.

S.B. 283, a bill to prohibit the taking of deer with dogs in a portion of Richmond County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 121, a bill to allow the hunting of deer with muzzle–loading rifles of any caliber during muzzle–loading deer season in Scotland County.

The bill passes its second and third readings and is ordered enrolled.

S.B. 7, a bill to amend the Constitution of North Carolina to authorize the General Assembly to enact legislation allowing each county to (i) increase the amount of the property tax homestead exemption for low-income elderly and disabled individuals in that county and (ii) raise the definition of "low-income" so that more elderly and disabled individuals can qualify for the exemption, as amended, upon third reading.

Receiving a three-fifths affirmative majority vote, the bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—40.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 44 (Committee Substitute), a bill to provide for special registration plates for supporters of professional sport teams, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—42.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 120, a bill to provide uniform tax treatment of North Carolina obligations and federal obligations, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 1, as follows;

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McKoy, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Webster, and Winner—40.

Voting in the negative: Senator McDaniel—1.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 229, a bill to remove impediments and disincentives to donating conservation land or preservation structures or sites, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Webster, and Winner—41.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 265, a bill to establish a season for hunting foxes with firearms and bow and arrow in Caldwell County.

The bill passes its second (40–0) and third readings and is ordered sent to the House of Representatives.

S.B. 21 (Committee Substitute), a bill to permit local boards of education to use funds appropriated for teacher assistants and for program enhancement teachers to reduce class size pursuant to local school improvement plans, upon third reading.

Senator Winner offers Amendment No. 1.

Senator Kerr offers a substitute amendment, No. 2. Following lengthy debate, Senator Kerr calls the previous question, seconded by Senator Rand. The call is sustained.

Amendment No. 2 fails of adoption (13–31) and the question reverts to the adoption of Amendment No. 1.

Amendment No. 1 is adopted (37–7).

Senator Winner offers Amendment No. 3 which is adopted (38–5).

The Committee Substitute bill, as amended, passes its third reading (39–5) and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

Bills are reported out of the regular order of business from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 220, a bill to provide counties with information to enable them to verify claims for refunds of their local sales and use tax, with a favorable report.

By Senator Speed for the **Transportation Committee**:

S.B. 241, a bill to authorize the Department of Transportation to sell souvenirs on ferries and at ferry facilities, with a favorable report.

On motion of Senator Speed, the bill is re-referred to the **Finance Committee**.

CALENDAR (Continued)

S.B. 222, a bill to provide that the laws relating to motor vehicles apply within the Seven Lakes Community in Moore County, temporarily displaced earlier.

With unanimous consent, on motion of Senator Hobbs, the bill is re-committed to the **Local Government and Regional Affairs Committee**.

LEGISLATIVE ETHICS COMMITTEE APPOINTMENTS

Pursuant to G.S. 120–99, Senator Basnight, President *Pro Tempore,* appoints the following members to the **Legislative Ethics Committee:**

Senator Perdue (Chairman), Senator Cooper, Senator Davis, Senator Hartsell, and Senator Odom.

On motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 2:38 P.M. to meet Monday, March 13, at 7:00 P.M.

TWENTY–SEVENTH DAY

SENATE CHAMBER,
Monday, March 13, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend John Ed Wayland, Jr., the Senior Minister of Bethel Presbyterian Church in Davidson, as follows:

"Heavenly Father, 'the earth is Thine and the fullness thereof; the world, and they that dwell therein. Unto Thee do we lift our souls. What dost Thou require of us? But to do justly, to love mercy, and to walk humbly with our Lord.'

"Examine us O Lord, to see if we have walked in integrity, to see if we have trusted in Thee.

"For this gathering we ask that You will direct and prosper all our consultations. Let justice roll down as water, and righteousness as a mighty stream.

"O Lord, Omnipotent Father, we know that all power rests in Thee and Thou hast allowed us to represent this great people. May all our decisions be for the advancement of Thy Glory, for the safety, honor and welfare of all people in our great State.

"We commend to Thy keeping all those who are serving the State of North Carolina. Endue them with loyalty and courage; and grant that in all their deliberations they be aware that they are servants that are here to advance Thy glory. Make us aware of the impacts of our decisions in every matter that arises before us. May we be aware that the power that has been bestowed on each of us should be used that society may prosper. Grant to these men and women the wisdom of Solomon.

"And as we are in session, and when time seems to be dragging, remind us that 'They that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles, they shall run and not be weary, they shall walk and faint not.'

"Endue us with loyalty, courage, and patience. Help us to seek and work for the good of our country. Help us to do it gladly—as unto God. 'Long may our land be bright with freedom's holy light, protect us by Thy Might, Great God, our King.' Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Sawyer due to illness; to Senator Smith due to hospitalization; to Senator Plexico due to illness; to Senator Perdue due to illness; to Senator Conder due to knee surgery; and to Senator Sherron.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 9, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the gallery to Judge Dennis Winner, former Senator from Buncombe County.

The President of the Senate extends courtesies of the floor to Dr. Benton S. Satterfield of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 63, an act to require local school boards to provide the North Carolina Historical Commission with notice of plans to replace old school buildings by submitting the feasibility and cost analyses for review by the Commission. (Ch. 8)

S.B. 133, an act to allow Graham County and Macon County to employ attachment or garnishment and to obtain a lien for ambulance services and to make it a misdemeanor to obtain ambulance services without intent to pay or to make an unneeded ambulance request in Graham County and Polk County. (Ch. 9)

S.B. 153, an act to remove the requirements that Granite Falls ABC stores be audited quarterly. (Ch. 10)

H.B. 121, an act to allow the hunting of deer with muzzle-loading rifles of any caliber during muzzle-loading deer season in Scotland County. (Ch. 11)

H.B. 181 (Committee Substitute), an act to change the pay date for the Caldwell County Schools. (Ch. 12)

H.B. 339, an act to provide that the laws relating to motor vehicles apply within the Seven Lakes Community in Moore County. (Ch. 13)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

S.B. 56, a bill to repeal antiquated, obsolete, or unconstitutional laws, with a favorable report, as amended.

S.B. 82, a bill to increase the amount of property collectible by small estate affidavit where the sole heir and/or devisee is the surviving spouse, to increase the minimum amount of intestate personal property passing to the surviving spouse, and to increase the amount of the year's allowance for a surviving spouse and children, as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the proposed Committee Substitute bill 9545, which changes the title to read, **S.B. 82** (Committee Substitute), a bill to increase the amount of property collectible by small estate affidavit where the sole heir and/or devisee is the surviving spouse, to increase the minimum amount of intestate personal property passing to the surviving spouse, and to increase the amount of the year's allowance for a surviving spouse and children, as recommended by the General Statutes Commission, and to increase the limitation for funeral expenses, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Parnell for the **Commerce Committee:**

S.B. 268, a bill to provide that fees paid by borrowers to loss reserve accounts of State-funded economic development programs are not considered interest or subject to claims or defenses of usury, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the proposed Committee Substitute bill 5554 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Soles:

S.B. 355, a bill to appropriate funds to the Department of Commerce for economic development projects in Columbus County.

Referred to **Appropriations Committee.**

By Senators Simpson, Kincaid, Cochrane, Forrester, Little, East, McDaniel, Ballantine, Foxx, Carrington, Clark, McKoy, Ledbetter, Webster, and Carpenter:

S.B. 356, a bill to provide that a person who meets statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize clerks of court to issue concealed handgun permits, to establish the criteria that must be satisfied to receive the handgun, to establish the procedure for the issuance of a concealed handgun permit, and to make conforming statutory changes.

Referred to **Judiciary I/Constitution Committee.**

By Senator Simpson:

S.B. 357, a bill to exempt the Department of Transportation from the requirement of making quarterly reports of mileage of State vehicles assigned to the Department and to allow assignments of vehicles to the Department to be revoked only when the Department consents.

Referred to **Transportation Committee.**

By Senators Plexico, Conder, Plyler, Hobbs, Parnell, Speed, Hoyle, Perdue, Albertson, and Warren:

S.B. 358, a bill to repeal judicial review of life sentences without parole after twenty–five years and every two years thereafter.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Albertson, Forrester, Simpson, Davis, Carpenter, Webster, Hartsell, East, Little, Hoyle, Dannelly, Gulley, Martin of Guilford, Cooper, Rand, Warren, Perdue, Winner, Soles, Speed, Cochrane, Ballantine, Shaw, McKoy, Ledbetter, Jordan, Sherron, McDaniel, Kincaid, Carrington, Blackmon, Horton, Martin of Pitt, Lucas, Allran, Foxx, Clark, Hobbs, Parnell, and Edwards:

S.B. 359, a bill to make it a felony offense to impersonate a law enforcement officer by unlawfully operating a motor vehicle with an operating blue or red light.

Referred to **Judiciary I/Constitution Committee.**

By Senator Ballance:

S.B. 360, a bill to appropriate funds for Harriet's House.

Referred to **Appropriations Committee.**

By Senator Cooper:

S.B. 361, a bill to recommended by the Juvenile Code Committee of the Legislative Research Commission to extend the pilot program established under the Administrative Office of the Courts regarding juvenile court jurisdiction over juveniles between sixteen and eighteen years of age who are beyond the disciplinary control of their parents and to clarify the scope of the program.

Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Cooper and Rand:

S.B. 362, a bill relating to appointments to the Sheriffs' Education and Training Standards Commission, amending the laws relating to the powers of and appeals before the Sheriffs' Education and Training Standards Commission, and otherwise pertaining to Chapter 17E of the General Statutes.

Referred to **Judiciary I/Constitution Committee.**

By Senators Winner, Odom, Perdue, Dannelly, Gulley, Warren, Soles, Ballantine, Sherron, and McKoy:

S.B. 363, a bill to authorize the issuance of twenty–three million nine hundred thousand dollars of Community College bonds or notes and to appropriate the proceeds of these bonds and notes for specific community college capital projects.

Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 364, a bill to authorize Columbus County to levy a room occupancy and tourism development tax.

Referred to **Finance Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 161 (Committee Substitute), a bill to provide the public with access to low-cost telecommunications service in a changing competitive environment.

Referred to Commerce Committee.

H.B. 178, a bill to provide that Scotland County and the cities located in that County may require issuance of a building permit for the replacement and disposal of roofing.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 188, a bill to extend to the City of Lumberton provisions of a local act which provide that service in housing code cases is sufficient when a regular letter is sent out along with a registered or certified letter, and the regular letter is not returned, but the registered or certified mail is unclaimed or refused.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 336, a bill to allow trainers of assistance dogs to be accompanied by an assistance dog during training sessions when using places of public accommodation or common carriers.

Referred to **Children and Human Resources Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 288, a bill to allow Alleghany County to acquire property for use by the County Board of Education, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Plyler, Rand, Shaw, Simpson, Soles, Speed, Warren, Webster, and Winner—41.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 220, a bill to provide counties with information to enable them to verify claims for refunds of their local sales and use tax.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

APPOINTMENTS BY THE GOVERNOR

The President of the Senate directs the Reading Clerk to read, as follows:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

March 9, 1995

The Honorable Dennis Wicker
President of the Senate
2104 Legislative Building
Raleigh, NC 27601

Dear Mr. President:

Pursuant to General Statute 115C-10-11, I hereby appoint Kathy A. Taft and Jane Norwood as members of the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly.

Ms. Taft will replace William Meekins as the Region One representative. She will serve a term to begin April 1, 1995 and to expire March 31, 2003.

Dr. Norwood is being reappointed to an at-large position. Her term will begin April 1, 1995 and expire March 31, 2003.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
Governor

Referred to **Education/Higher Education Committee.**

PAGES

The President recognizes the following pages serving in the Senate this week:

Thomas J. Beam, Hickory; Jennifer Livingston Best, Goldsboro; Cory Burton, Dover; Christopher Tyrone Coleman, Shelby; Catherine Tyler Forsythe, Raleigh; Caroline Dawn Gore, Whiteville; Alice Tyson Hartsell, Concord; Howard Lester Hicks, Jr., Mebane; Anna Bradsher Honeycutt, Raleigh; Atasha Isley, Siler City; Sarah E. Juhl, Concord; Garry B. Laney, High Point; Ashley Moye, Concord; Shanna Nelson, Raleigh; Stephen C. Price, Sanford; Timothy Keith Ramseur, Shelby; Catherine Tarrant Setzer, Goldsboro; Jessica Tate, Charlotte; Margaret L. Wall, Concord; Adam Thomas Watson, Conover; Ann M. Youngblood, Roanoke Rapids; and Matthew Youngblood, Roanoke Rapids.

On motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns at 7:40 P.M. to meet tomorrow, Tuesday, March 14, at 3:00 P.M.

TWENTY-EIGHTH DAY

SENATE CHAMBER,
Tuesday, March 14, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, we open every Session of the Senate with a prayer for Your Help and Guidance because everything that goes on, from committee meetings to the ratification of a bill, involves carefully counting the costs.

"Often we pray for that which is already ours, but is neglected or overlooked. Sometimes we pray for that which can never be ours and sometimes for that which we must do ourselves.

"Give us discernment to know the difference and to understand that faith without works is dead, and works without faith can never live. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Sawyer due to illness; to Senator Smith due to hospitalization; to Senator Conder for knee surgery; to Senator Plexico due to illness; and to Senator Sherron.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, March 13, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Clyde Kent Price of Jacksonville, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee:**

S.B. 333, a bill to authorize the addition of Run Hill State Natural Area to the State Parks System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the proposed Committee Substitute bill 7575 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, on motions of Senator Rand, the rules are suspended as to the sequential referral to the **Appropriations Committee** ordered on March 8, and the Committee Substitute bill is placed on the Calendar for Wednesday, March 15, for further consideration.

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 254, a bill to amend the Charter of the City of Mount Airy to change from partisan to nonpartisan the method of electing the Mayor and Board of Commissioners, with a favorable report.

S.B. 309, a bill relating to notices of lis pendens by the City of Winston-Salem, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Webster, Carrington, Foxx, East, Cochrane, Simpson, Kincaid, and Blackmon:

S.B. 365, a bill to provide for the taking of nongame fish with bow and arrow under authority of other hunting and fishing licenses.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senator Parnell:

S.B. 366, a bill to remove the limitation on funding for the per diem costs of inmates housed out-of-State.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Lucas, Gulley, Dannelly, and Martin of Guilford:

S.B. 367, a bill recommended by the Legislative Research Commission Study Committee on Child Care Issues to establish the requirements for the monthly schedule of payments of the purchase of child care services for low-income children, and to appropriate funds.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Lucas, Foxx, Ballance, Edwards, and McDaniel:

S.B. 368, a bill to provide for direct payment of licensed marriage and family therapists under health insurance policies and plans.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Lucas, Allran, Dannelly, Sherron, Warren, Davis, Martin of Guilford, Hobbs, and Plexico:

S.B. 369, a bill to implement the recommendation of the Commission on Children with Special Needs to direct the State Board of Education to adopt guidelines to establish resource teams in each school, and to direct the State Board of Education to review and revise certain rules governing programs and services for children with special needs so that measurable, high expectations are established for these children and their programs.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Lucas, Ballance, Hobbs, Gulley, and Martin of Guilford:

S.B. 370, a bill recommended by the Legislative Research Commission Child Care Committee to aid certain working parents of low-income children who are

not currently receiving child care subsidies to receive subsidies to enable them to continue to work, and to appropriate funds.

Referred to **Appropriations Committee.**

By Senators Lucas, Ballance, Hobbs, Gulley, McKoy, and Martin of Guilford:

S.B. 371, a bill recommended by the Legislative Research Commission Child Care Committee to mandate criminal history checks of child day care providers, to study the use of the Central Registry on Child Abuse and Neglect, and to appropriate funds.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Lucas, Ballance, Hobbs, Gulley, and Martin of Guilford:

S.B. 372, a bill recommended by the Legislative Research Commission Child Care Committee to appropriate funds to provide child care resources and referral services to certain counties unserved by early childhood education and development initiatives that are currently unable to use all their day care allocations.

Referred to **Appropriations Committee.**

By Senators Lucas, Ballance, Hobbs, Gulley, and Martin of Guilford:

S.B. 373, a bill recommended by the Legislative Research Commission Child Care Committee to increase eligibility limits for child care subsidies to enable families to receive child care for a longer period of time as they transition off welfare, and to appropriate funds.

Referred to **Appropriations Committee.**

By Senator Hobbs:

S.B. 374, a bill relating to the compensation of the members and chairperson of the Moore County Board of Education.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Plyler and Conder:

S.B. 375, a bill to enlarge the membership of the Stanly County Economic Development Commission.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Kerr:

S.B. 376, a bill to expand the jobs tax credit to provide credits for more distressed areas.

Referred to **Finance Committee.**

By Senators Horton, McDaniel, and Cochrane:

S.B. 377, a bill including within the definition of an abandoned vehicle those left on certain highways within the City of Winston-Salem for more than forty-eight hours.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Cooper and Speed:

S.B. 378, a bill to appropriate funds for an Alzheimer's Unit at the North Carolina Special Care Center in Wilson.

Referred to **Appropriations Committee.**

By Senators Cooper and Allran:

S.B. 379, a bill recommended by the Legislative Research Commission's Study Committee on the Juvenile Code to allow courts to order psychiatric or psychological treatment of parents of juveniles adjudicated delinquent, undisciplined, abused, neglected, or dependent at the dispositional hearings or subsequent hearings and to provide for notice.

Referred to **Children and Human Resources Committee.**

By Senators Cooper and Allran:

S.B. 380, a bill to clarify the maximum period of time a juvenile may be committed in accordance with structured sentencing.

Referred to **Judiciary I/Constitution Committee.**

By Senators Cooper and Allran:

S.J.R. 381, a joint resolution authorizing the Legislative Research Commission to study the Juvenile Code.

Referred to **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 162, a bill to delay the effective date of the changes made in 1994 to the laws concerning the tinting of windows on motor vehicles, for concurrence in House Amendment No. 1.

On motion of Senator Hoyle, the rules are suspended without objection, and the bill is placed before the Senate for immediate consideration, upon concurrence.

The Senate concurs in House Amendment No. 1 (43–0) and the measure is ordered enrolled.

H.B. 300, a bill authorizing limited purchasing of goods and services from non-certified sources.

Referred to **Commerce Committee.**

H.B. 301, a bill to provide for the award of State requirements contracts for furniture.

Referred to **Commerce Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 223, a bill to authorize criminal record checks of public school employees, with an unfavorable as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper the proposed Committee Substitute bill 8570 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, on motions of Senator Kerr, the rules are suspended as to the sequential referral to the **Finance Committee** ordered on February 16, and the Committee Substitute bill is placed on the Calendar for Wednesday, March 15, for further consideration.

S.B. 115, a bill to authorize the creation of self–insurance trust funds to provide professional liability insurance coverage for State employees and to appropriate funds to a reserve fund to provide the initial funding if the trust is created, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 8571 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

S.B. 56, a bill to repeal antiquated, obsolete, or unconstitutional laws.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

Senator McDaniel offers Amendment No. 2 which fails of adoption (9–32).

The bill, as amended, passes its second (41–2) and third readings and is ordered engrossed and sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Hobbs, the Senate adjourns at 3:40 P.M. to meet tomorrow, Wednesday, March 15, at 3:00 P.M.

TWENTY–NINTH DAY

SENATE CHAMBER,
Wednesday, March 15, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, there is an old prayer that speaks of God 'in Whose Service is perfect freedom.' That concept sounds like a paradox to us—the idea of serving in perfect freedom.

"But it means that to obey You, O Lord, Who above all else wishes us well, leaves us the freedom to be the best and gladdest that we have in us to become. The only freedom You would deny is the freedom to destroy ourselves.

"Help us to be worthy servants today, free and faithful to the tasks to which You have called us. In Your Name we pray, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Sawyer due to illness; to Senator Smith due to hospitalization; to Senator

Conder due to knee surgery; and to Senator Plexico, due to illness, and to Senator Sherron.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, March 14, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Mendall Jordan of Goldsboro, who is serving the Senate as Doctor of the Day.

The Chair extends privileges of the floor to The Honorable James C. Green, former Senator, Speaker of the House of Representatives, and Lieutenant Governor of the State of North Carolina.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 162, an act to delay the effective date of the changes made in 1994 to the laws concerning the tinting of windows on motor vehicles. (Ch. 14)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 317, a bill to repeal the Advisory Committee on Home and Community Care, with a favorable report.

S.B. 318, a bill to change the time requirement for the updating of the plan for serving older adults, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

S.B. 330, a bill to ensure representation of both for–profit and nonprofit institutions on the State Board of Examiners for Nursing Home Administrators, with a favorable report.

By Senator Plyler, Co–Chairman, for Senator Perdue for the **Appropriations Committee:**

S.B. 22, a bill to allocate funds appropriated by the 1993 General Assembly to the School Technology Reserve, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended, and the proposed Committee Substitute bill 7568 is placed before the Senate for immediate consideration, and on his further motion is adopted.

The Chair orders the measure placed on the Calendar for Thursday, March 16, for further consideration.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Plexico, Martin of Pitt, Warren, Cochrane, and Hartsell:
S.B. 382, a bill to appropriate funds for the North Carolina Technological Development Authority, Inc.
Referred to **Appropriations Committee.**

By Senators Albertson, Martin of Pitt, Gulley, Hoyle, Parnell, Carpenter, Speed, Cooper, Martin of Guilford, and Warren:
S.B. 383, a bill to permit the use of the correction enterprises laundry operation in emergency situations and in the event of equipment malfunction or renovation at certain hospital laundries.
Referred to **Judiciary II/Election Laws Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 127, a bill to limit the liability of landowners to members of the public entering the land for educational and recreational purposes.
Referred to **Judiciary I/Constitution Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 333 (Committee Substitute), a bill to authorize the addition of Run Hill State Natural Area to the State Parks System, upon second reading.
With unanimous consent, on motion of Senator Albertson, the Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, March 16, for consideration upon second reading.

S.B. 254, a bill to amend the Charter of the City of Mount Airy to change from partisan to nonpartisan the method of electing the Mayor and Board of Commissioners.
The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 309, a bill relating to notices of lis pendens by the City of Winston-Salem.
The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 223 (Committee Substitute), a bill to authorize criminal record checks of public school employees.
Following debate, the Committee Substitute bill passes its second reading (42–2).
Senator Odom objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, March 16, for further consideration upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 237, a bill to provide that farmland owned by a partnership may qualify for use value tax treatment to the same extent as farmland owned by a corporation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Committee Substitute bill 4569, which changes the title to read **S.B. 237** (Committee Substitute), a bill to clarify the use value tax law, to update the law to conform to modern family property transactions, and to expand the category of relatives who may qualify for use value property transfers, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Committee Substitute bill is adopted.

The Chair orders the measure placed on the Calendar for tomorrow, Thursday, March 16, for further consideration.

On motion of Senator Basnight, seconded by Senator Webster, the Senate adjourns at 3:45 P.M. to meet tomorrow, Thursday, March 16, at 3:00 P.M.

THIRTIETH DAY

SENATE CHAMBER,
Thursday, March 16, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. James M. McDaniel, a retired Presbyterian Minister from Mobile, Alabama, and father of Senator Mark McDaniel from Forsyth, as follows:

"Our Father, those who call North Carolina home live in a place of incredible natural beauty, where the cardinal, the flowering dogwood and longleaf pine are in abundance.

"It is a high and holy task to which You have called these men and women who serve in the Senate of North Carolina. May they be people of honor and integrity, sensitive to Your Presence in their private lives and in their public service, remembering the words of the Psalmist, 'Unless the Lord build the house, those who would build it labor in vain. Unless the Lord watches over the city, the watchman stays awake in vain.'

"O God, fill Your servants here with Your Power and Wisdom, for they have an enormous responsibility. They oversee and make the laws for a State that

stretches 188 miles from Pelham in the north to Caswell Beach in the south, 499 miles from Stumpy Point in the east to Hiwassee in the west.

"In the face of our challenges, we ask not for tasks equal to our strength, but for strength equal to our tasks—however great those tasks may be. In their work together may the members of this Senate put aside petty differences that divide, and concentrate on things they have in common—the best interests of the State as a whole.

"May Your Servants here seek to serve the people with energy, intelligence, imagination, and love. In their work together may they find a genuine joy, and—when the lengthening shadows that fall down around them until it becomes night—then may they hear the whispered benediction from God on high, 'Well done, good and faithful servant.'

"We make our prayer in the name of our Creator and Lord. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization; to Senator Conder for knee surgery; to Senator Plexico due to illness; to Senator Sawyer due to illness; and to Senator Allran.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, March 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Joseph J. Baum of Raleigh, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Education/Higher Education Committee**:

S.B. 89, a bill to require the Board of Governors, the State Board of Education, the Department of Public Instruction, and the Teaching Fellows Commission to study how to increase the number of minority teachers in public schools and to study the use of school facilities for community–based organization activities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the proposed Committee Substitute bill 1589, which changes the title to read **S.B. 89** (Committee Substitute), a bill to require the State Board of Education/Board of Governors Liaison Committee to study how to increase the number of minority teachers in public schools and to study the use of school facilities for community–based organization activities, is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

S.B. 20, a bill to amend the School Improvement and Accountability Act of 1989, with a favorable report, as amended.

By Senator Parnell for the **Commerce Committee:**

S.B. 293, a bill to permit the importation and bottling of spirituous liquor within foreign trade zones located at the Wilmington and Morehead City Ports, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

By Senator Kerr for the **Finance Committee:**

S.B. 282, a bill to allow the City of Rockingham to make satellite annexations of less than an entire subdivision when the property is developed for commercial or industrial use, with a favorable report, as amended.

S.B. 264, a bill to revive the Charter of the Town of Bethania, with a favorable report, as amended.

S.B. 241, a bill to authorize the Department of Transportation to sell souvenirs on ferries and at ferry facilities, with a favorable report.

S.B. 269, a bill to authorize the Town of Dallas to enact a property maintenance ordinance and to assess certain costs of enforcement as a lien against the property, with a favorable report.

S.B. 348, a bill to permit the State to use the Setoff Debt Collection Act to recoup funds owed by teachers who do not fulfill their obligations under the National Board for Professional Teaching Standards Program, with a favorable report.

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 380, a bill to clarify the maximum period of time a juvenile may be committed in accordance with structured sentencing, with a favorable report.

CALENDAR

S.B. 237 (Committee Substitute), a bill to clarify the use value tax law, to update the law to conform to modern family property transactions, and to expand the category of relatives who may qualify for use value property transfers, on today's Calendar.

With unanimous consent, on motion of Senator Speed, consideration of the Committee Substitute bill is postponed until Monday, March 20.

COMMITTEE REPORTS (Continued)

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 34, a bill to abolish execution by lethal gas and to provide that a person convicted of a criminal offense who is sentenced to death shall be executed by the administration of lethal drugs, with a favorable report, as amended.

On motion of Senator Gulley, the rules are suspended, and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

With unanimous consent, the bill, as amended, is placed on the Calendar for Monday, March 20, for further consideration upon its passage.

S.B. 324, a bill to provide that a court may order payment of a fee to the Victims Compensation Fund by a defendant placed on probation, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the bill, as amended, engrossed and re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator McDaniel:

S.B. 384, a bill relating to pyrotechnics in the City of WinstonSalem.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Conder, Little, Shaw, Hobbs, Cochrane, Hartsell, Rand, Forrester, Allran, Kerr, East, Lucas, Edwards, McDaniel, Hoyle, Albertson, Parnell, Horton, Cooper, Webster, Carpenter, Clark, Ledbetter, Davis, and Martin of Guilford:

S.B. 385, a bill to authorize the issuance of twentythree million nine hundred thousand dollars of Community College bonds or notes and to appropriate the proceeds of these bonds and notes for specific community college capital projects.

Referred to **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Kincaid:

S.B. 386, a bill to provide that the regulation of water supply watersheds does not apply to certain watersheds.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senator Conder:

S.B. 387, a bill to appropriate funds for the Family Preservation Services Program.

Referred to **Appropriations Committee.**

By Senator Albertson:

S.B. 388, a bill to amend the pesticide law.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Hoyle:

S.B. 389, a bill to amend the State Controller's duties with respect to telecommunications and other services.

Referred to **Commerce Committee.**

By Senators Warren, Lucas, Allran, Carpenter, Albertson, Dannelly, Hoyle, Martin of Pitt, East, Cooper, Martin of Guilford, Gulley, Carrington, Foxx, and Forrester:

S.B. 390, a bill to establish the Heart Disease and Stroke Prevention Task Force and to appropriate funds to implement this act.

Referred to **Appropriations Committee**.

By Senator Warren:

S.B. 391, a bill to appropriate funds to provide for a Model Clinical Teaching Network in Eastern North Carolina.

Referred to **Appropriations Committee**.

By Senators Rand and Edwards:

S.B. 392, a bill to provide for the State of North Carolina to establish a State Veterans Home program in the Division of Veterans Affairs of the Department of Administration.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill for concurrence which is read and disposed of, as follows:

S.B. 27 (Committee Substitute), a bill to repeal the prison population cap, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 27** (House Committee Substitute), a bill to repeal the prison population cap, to raise the limit on prison capacity, to authorize the parole of nonviolent inmates, to authorize certain contracts for the housing of State prisoners in local confinement facilities, to allow for the contracting of private prisons, to remove the limit on prisoners who may be housed in non–state owned facilities, to remove the sunset on contracts with out–of–state public correctional facilities, and to allow the Department to use available funds to provide additional prison beds and employ necessary staff.

On motion of Senator Odom, the rules are suspended, without objection, and the House Committee Substitute bill is placed on the Calendar for today for immediate consideration, upon concurrence.

The Senate fails to concur in the House Committee Substitute bill (16–28).

Senator Odom offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 122 (Committee Substitute), a bill to expand the allowable uses of transporter plates, to allow owners of salvage vehicles to retain title to the vehicles, and to exempt out-of-state utility vehicles that are used in certain emergency operations from the vehicle registration and road tax requirements.

Referred to **Transportation Committee**.

H.B. 204 (Committee Substitute), a bill to ensure representation of both for-profit and nonprofit institutions on the State Board of Examiners for Nursing Home Administrators.

Referred to **Children and Human Resources Committee.**

H.B. 304 (Committee Substitute), a bill to create a State Procurement Policy Council.

Referred to **Commerce Committee**.

H.B. 309, a bill making a qualified exception from the Public Records Act for the Pamlico County Geographical Information System.

Referred to **Local Government and Regional Affairs Committee**.

H.B. 370, a bill to restore extraterritorial planning powers of the Town of River Bend but prohibit it from making involuntary annexations.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 333 (Committee Substitute), a bill to authorize the addition of Run Hill State Natural Area to the State Parks System, upon second reading.

The Chair rules the measure requires a call of the roll by simple majority vote, pursuant to Article II, Section 23 of the Constitution.

Following lengthy debate, Senator Albertson calls the previous question, seconded by Senator Rand. The call is sustained.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plyler, Rand, Sherron, Simpson, Soles, Speed, Warren, and Winner—42.

Voting in the negative: Senators Shaw and Webster—2.

The Committee Substitute bill is placed on the Calendar for Monday, March 20, for further consideration, upon third reading.

S.B. 22 (Committee Substitute), a bill to allocate funds appropriated by the 1993 General Assembly to the School Technology Reserve.

The Committee Substitute bill passes its second (37-3) and third readings and is ordered sent to the House of Representatives.

S.B. 317, a bill to repeal the Advisory Committee on Home and Community Care.

The bill passes its second (42–0) and third readings and is ordered sent to the House of Representatives.

S.B. 330, a bill to ensure representation of both forprofit and non–profit institutions on the State Board of Examiners for Nursing Home Administrators.

The bill passes its second (42–0) and third readings and is ordered sent to the House of Representatives.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 27 (Committee Substitute), a bill to repeal the prison population cap, which changes the title upon concurrence to read **S.B. 27** (House Committee Substitute), a bill to repeal the prison population cap, to raise the limit on prison capacity, to authorize the parole of nonviolent inmates, to authorize certain contracts for the housing of State prisoners in local confinement facilities, to allow for the contracting of private prisons, to remove the limit on prisoners who may be housed in non–state owned facilities, to remove the sunset on contracts with out–of–state public correctional facilities, and to allow the Department to use available funds to provide additional prison beds and employ necessary staff, with the motion of Senator Odom that the Senate do appoint conferees prevailing earlier today.

The President *Pro Tempore* appoints Senator Odom, Chairman, and Senators Hartsell, Ballance, and Parnell as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

APPOINTMENTS BY THE PRESIDENT *PRO TEMPORE*

Senator Basnight, President *Pro Tempore*, announces the following appointments:

JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS

Pursuant to G.S. 120–74, the President *Pro Tempore* appoints Senator Conder (*ex officio*), Senator Allran, Senator Cochrane, Senator Edwards, Senator Perdue, Senator Plyler, Senator Odom, Senator Rand, Senator Sherron, and Senator Warren.

CALENDAR (Continued)

S.B. 223 (Committee Substitute), a bill to authorize criminal record checks of public school employees, upon third reading.

On motion of Senator Perdue, consideration of the Committee Substitute bill is postponed until Tuesday, March 21.

REPORTS TO GENERAL ASSEMBLY

Agencies directed to report to the General Assembly submit reports (*See Addendum*) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 769, Sec. 25.22 of the 1993 Session Laws, the North Carolina Department of Human Resources submits a progress report on the budgetary impact of additional beds in domiciliary care facilities.

The North Carolina Department of Revenue, along with the Office of the State Controller, and the Office of State Budget and Management, submit the State of North Carolina Summary of Financial Condition, February 28, 1995.

On motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns at 4:18 P.M. to meet Monday, March 20, at 7:00 P.M.

THIRTY-FIRST DAY

SENATE CHAMBER,
Monday, March 20, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Bill Haley of Mt. Zion Baptist Church in Louisburg, as follows:

"Dear God, as we begin this session let us thank You for the blessings which You have given to us, for You have seen fit to place those here in positions of leadership. As the issues of our day are debated, give our leaders Your Wisdom and Insight in their decision-making. Give them Your Strength and sustain them and their families. And may they always know, Lord, that You have made them the recipients of the public trust, and as servants of the people how truly sacred their position is as elected servants of a free people in a free land.

"In the Name of Our Lord, Our Rock and Redeemer, Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Sawyer; to Senator Smith due to hospitalization; to Senator Conder for knee surgery; and to Senator Allran.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, March 16, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (40-0).

The President of the Senate extends courtesies of the floor to Dr. Robert P. Majors of Raleigh, who is serving the Senate as Doctor of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Jordan:
S.B. 393, a bill to repeal the sales tax on food.
Referred to **Finance Committee.**

By Senator Jordan:
S.B. 394, a bill to amend the zoning laws to clarify county authority to regulate by ordinance intensive hog operations to protect the health, safety, or welfare of county citizens and the peace and dignity of the county.
Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Rand, Soles, Kerr, Perdue, Hoyle, Albertson, Dannelly, Gulley, Martin of Guilford, Odom, Winner, Horton, Hobbs, Jordan, Carrington, Ballance, Plyler, and Parnell:
S.B. 395, a bill to allow for concurrent jurisdiction between the district and superior courts for disposition of certain felonies.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Rand, Forrester, and Soles:
S.B. 396, a bill to encourage regulated arrangements among physicians when the arrangement will help control costs, improve access, improve quality, or implement mandated health care reforms.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Carpenter, East, and Simpson:
S.B. 397, a bill to direct the Utilities Commission to issue certificates of convenience and necessity for natural gas service for all areas of the State for which certificates have not been issued.
Referred to **Commerce Committee.**

By Senators Winner, McDaniel, Rand, Dannelly, Parnell, Carpenter, Cooper, Cochrane, and Allran:
S.B. 398, a bill to appropriate funds to reimburse local school administrative units for the cost of criminal history checks of public school personnel.
Referred to **Appropriations Committee.**

By Senators Soles, Martin of Guilford, Plexico, Perdue, Ballance, Horton, Forrester, Little, Cochrane, Carpenter, Cooper, Parnell, Albertson, McDaniel, Clark, Hoyle, Lucas, Speed, Edwards, Hartsell, Ledbetter, Blackmon, McKoy, Ballantine, East, Foxx, Carrington, Jordan, Webster, Davis, Plyler, and Dannelly:
S.B. 399, a bill to amend the definition of podiatry.
Referred to **Judiciary I/Constitution Committee.**

By Senators Odom, Forrester, and Carpenter:
S.B. 400, a bill to provide for the impoundment or confiscation of some motor vehicles used in impaired driving offense.
Referred to **Judiciary I/Constitution Committee.**

By Senators Odom, Forrester, and Carpenter:
S.B. 401, a bill to provide that a person who commits the offense of death by vehicle driving while engaging in the offense of impaired driving shall be subject to a lifetime drivers license revocation.
Referred to **Judiciary I/Constitution Committee.**

By Senators Odom and Carpenter:

S.B. 402, a bill to strengthen the domestic violence law by requiring domestic violence order to be accessible by computer, to allow the judge issuing the order to require seizure of firearms and prohibit possession of firearms, and make it a Class H felony for any person subject to a domestic violence order to purchase or possess any firearm.

Referred to **Judiciary I/Constitution Committee**.

By Senators Odom and Carpenter:

S.B. 403, a bill to require victim impact statements, to provide that a victim may expect restitution be ordered as a condition of probation when appropriate, to make restitution a top priority when disbursing court collected funds, and to extend the maximum amount of time a person can be placed on probation to pay restitution.

Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Odom:

S.B. 404, a bill to modify the criteria for selection and sentencing to IMPACT.

Referred to **Judiciary I/Constitution Committee**.

By Senators McKoy, Clark, and Edwards:

S.B. 405, a bill to amend the State Personnel Act relating to the definition of career State employee, the grounds for State employee appeals, the investigatory duties of the Office of State Personnel, and the priority consideration of State employees in filling vacancies; to provide for the adoption of an alternative dispute resolution procedure by the State Personnel Commission; and to allow alternative observance of the New Year's Holiday.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee**.

By Senators McKoy, Gulley, Clark, and Ballance:

S.B. 406, a bill to provide for the distribution of copies of certain publications to the State Personnel Commission and to the Office of State Personnel.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senator Perdue:

S.B. 407, a bill to exempt boat and farm trailers from the payment of the Global TransPark temporary zone vehicle registration tax.

Referred to **Finance Committee**.

By Senators Soles and Carpenter:

S.B. 408, a bill to allow equity line of credit agreements to have terms greater than fifteen years and to establish a procedure for extending equity line of credit loan agreements.

Referred to **Commerce Committee**.

By Senator Kincaid:

S.B. 409, a bill to rotate party alignment on the ballot.

Referred to **Judiciary II/Election Laws Committee**.

By Senator Odom:
S.B. 410, a bill to establish the North Carolina On–Site Wastewater System Contractors Licensing Board.
Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re–referred to the **Finance Committee.**
Pursuant to G.S. 120–149, an assessment report is required.

By Senator Rand:
S.B. 411, a bill to increase the membership of the North Carolina Criminal Justice Education and Training Standards Commission.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Warren, Soles, Parnell, Carpenter, Dannelly, Hoyle, Edwards, Ledbetter, Rand, Gulley, Sherron, Plyler, McKoy, Foxx, Little, and Albertson:
S.B. 412, a bill to modify the law concerning the federal preemption of State usury laws.
Referred to **Commerce Committee.**

By Senators Warren, Parnell, Carpenter, Soles, Dannelly, Hoyle, Edwards, Ledbetter, Rand, Gulley, Sherron, Plyler, Horton, McKoy, Foxx, Little, and Albertson:
S.B. 413, a bill to authorize the conversion of savings associations and savings banks into commercial banks.
Referred to **Commerce Committee.**

By Senators Warren, Parnell, Gulley, Carpenter, Soles, Dannelly, Hoyle, Ledbetter, Martin of Guilford, Edwards, Rand, Sherron, McKoy, Foxx, Plyler, Little, and Albertson:
S.B. 414, a bill to "opt–in" for interstate branching authority under the Reigle–Neal Interstate Banking and Branching Efficiency Act of 1994.
Referred to **Commerce Committee.**

By Senators Soles, Warren, and Carpenter:
S.B. 415, a bill to provide for the merger of banks and savings institutions.
Referred to **Commerce Committee.**

By Senators Dannelly, Little, Davis, Martin of Pitt, Albertson, Warren, Winner, and Martin of Guilford:
S.B. 416, a bill to revise the provision of the Juvenile Code governing the authority of medical professionals to conform to the revised definition of abuse.
Referred to **Judiciary I/Constitution Committee.**

By Senators Kerr and Sherron:
S.B. 417, a bill to concerning the operation of Correction Enterprises.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Kerr and Sherron:
S.B. 418, a bill to provide for the award of State requirements contracts for furniture.
Referred to **Commerce Committee.**

By Senators Kerr and Sherron:

S.B. 419, a bill to create a State Procurement Policy Council.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Kerr and Sherron:

S.B. 420, a bill to authorize the Legislative Research Commission to study State purchasing.

Referred to **Appropriations Committee.**

By Senator Kerr:

S.B. 421, a bill to appropriate funds for the development of the Center for Environmental Farming Systems located at the Cherry Farm Unit.

Referred to **Appropriations Committee.**

By Senator Kerr:

S.B. 422, a bill to appropriate funds for operating the Center for Environmental Farming Systems located at the Cherry Farm Unit.

Referred to **Appropriations Committee.**

By Senators Lucas, Parnell, Allran, McDaniel, East, Albertson, Warren, Jordan, Dannelly, Martin of Pitt, and Perdue:

S.B. 423, a bill to establish a State Vocational Rehabilitation/Independent Living Program for People With Disabilities.

Referred to **Children and Human Resources Committee.**

By Senators Lucas, Davis, and Jordan:

S.B. 424, a bill to make changes in the Prospective Teachers Scholarship Loan Program.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Cooper and Speed:

S.B. 425, a bill to appropriate funds for the completion of the student activity center at the Eastern School for the Deaf.

Referred to **Appropriations Committee.**

By Senator Cooper:

S.B. 426, a bill to amend the public records law.

Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Cooper:

S.B. 427, a bill to provide staggered terms for the Momeyer Town Council.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

S.B. 380, a bill to clarify the maximum period of time a juvenile may be committed in accordance with structured sentencing, on today's Calendar.

With unanimous consent, on motion of Senator Cooper, the bill is recommitted to the **Judiciary I/Constitution Committee.**

CONFERENCE COMMITTEE

S.B. 27 (House Committee Substitute), a bill to repeal the prison population cap, to raise the limit on prison capacity, to authorize the parole of nonviolent inmates, to authorize certain contracts for the housing of State prisoners in local confinement facilities, to allow for the contracting of private prisons, to remove the limit on prisoners who may be housed in non–state owned facilities, to remove the sunset on contracts with out–of–state public correctional facilities, and to allow the Department to use available funds to provide additional prison beds and employ necessary staff, with Senate Conferees appointed March 16.

Senator Rand rises to a point of order as to the fiscal impact of the measure and its eligibility for consideration.

The Chair sustains the point of order and rules the measure ineligible for consideration under the G.S. 143–1, the Executive Budget Act.

Subsequently, Senator Rand offers a motion to the end the conferees be dismissed, which motion prevails. The Chair dismisses the conferees.

Senator Rand offers a motion that the vote by which the motion to concur failed to prevail on March 16 be reconsidered, which motion prevails and the question reverts to concurrence in the House Committee Substitute bill.

The Chair orders the measure held in the Office of the Principal Clerk pending referral pursuant to Rule 56.1.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution for concurrence which is read and disposed of, as follows:

S.J.R. 225, a joint resolution inviting the Honorable Burley B. Mitchell, Jr., Chief Justice of the Supreme Court, to address a Joint Session of the House of Representatives and the Senate, for concurrence in House Amendment No. 1.

On motion of Senator Rand, the rules are suspended without objection, and the joint resolution is placed before the Senate for immediate consideration, upon concurrence.

The Senate concurs in House Amendment No. 1 (45–0) and the measure is ordered enrolled.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 128 (Committee Substitute), a bill to permit the City of Henderson and the City of Asheville to use wheel locks on certain illegally parked vehicles.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 358 (Committee Substitute), a bill to restrict the time period within which unsolicited automatic dialing and recorded messages may be made by phone.

Referred to **Commerce Committee.**

APPOINTMENT OF ESCORT COMMITTEE

Pursuant to **S.J.R. 225**, a joint resolution inviting the Honorable Burley B. Mitchell, Jr., Chief Justice of the Supreme Court, to address a Joint Session of the House of Representatives and the Senate, the Chair recognizes Senator Basnight, President *Pro Tempore*, who appoints Senator Cooper, Senator Soles, Senator Simpson, and Senator Winner as the Escort Committee on the part of the Senate to serve with a like committee from the House of Representatives to greet and escort the Chief Justice of the Supreme Court of North Carolina, to the Joint Session in the Hall of the House of Representatives tomorrow, Tuesday, March 21, at 3:00 P.M.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 264, a bill to revive the Charter of the Town of Bethania, upon second reading.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

Receiving a three-fifths affirmative majority vote, the bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Simpson, Soles, Speed, Warren, Webster, and Winner—44.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, March 21, for further consideration upon third reading.

S.B. 269, a bill to authorize the Town of Dallas to enact a property maintenance ordinance and to assess certain costs of enforcement as a lien against the property, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Simpson, Soles, Speed, Warren, and Winner—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, March 21, for further consideration upon third reading.

S.B. 282, a bill to allow the City of Rockingham to make satellite annexations of less than an entire subdivision when the property is developed for commercial or industrial use, upon second reading.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, March 21, for further consideration upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.J.R. 225, a joint resolution inviting the Honorable Burley B. Mitchell, Jr., Chief Justice of the Supreme Court, to address a Joint Session of the House of Representatives and the Senate. (Res. 3)

CALENDAR (Continued)

S.B. 333 (Committee Substitute), a bill to authorize the addition of Run Hill State Natural Area to the State Parks System, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sherron, Simpson, Soles, Speed, Warren, and Winner—42.

Voting in the negative: Senators Shaw and Webster—2.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 20, a bill to amend the School Improvement and Accountability Act of 1989.

On motion of Senator Plexico, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (42–3) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 34, a bill to abolish execution by lethal gas and to provide that a person convicted of a criminal offense who is sentenced to death shall be executed by the administration of lethal drugs, as amended.

Following debate, with unanimous consent on motion of Senator Odom, further consideration of the bill is postponed until Tuesday, March 21.

PAGES

The President recognizes the following pages serving in the Senate this week:

Heather Tracy Alphin, Mount Olive; Rachel Arends, Highlands; Lovie Avent, Spring Hope; Jason D. Boone, LaGrange; Mary Hall Bowman, Benson; Matthew

Niel Brooks, North Wilkesboro; Amelia Rae Burnette, Spruce Pine; April Demert, Charlotte; Taylor Richards Glenn, Greenville; John L. Habegger, Bermuda Run; Christopher Lawrence Hak, Greenville; Jack–Brad Hays, Charlotte; Jennifer Dawn Holland, Faison; Matthew Ward Holland, Sanford; Tilley Jenkins, Fayetteville; Brooke Kirsten Kilconay, Raleigh; Monica Janelle McClain, Wilmington; Jonathan Carleton Perry, Garner; Tommy Lee Person, Princeton; Daniel Shay, Southern Pines; and Rhianna Charity Treadway, Marshall.

On motion of Senator Basnight, seconded by Senator Odom, the Senate adjourns with bills remaining on the Calendar at 8:00 P.M. to meet tomorrow, Tuesday, March 21, at 2:30 P.M.

THIRTY–SECOND DAY

SENATE CHAMBER,
Tuesday, March 21, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with a quote from Peter Marshall, as follows:

"O God, even in our most important communications with each other, we seldom rely anymore on just what we hear. We want our conversations put into writing so that we may read what others have said to us and then we also read between the lines.

"That kind of attitude leads to impoverished and petty prayers.

"Today, O Lord, we ask that 'You would not listen to our words, but to the yearnings of our hearts. Hear beneath our very articulate petitions to the crying of our needs.'

"Then we shall have relearned not only how to pray but also how to communicate with one another. In Your Name and for Your Sake, we pray, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Sawyer due to illness; to Senator Shaw due to illness; to Senator Smith due to hospitalization; and to Senator Conder due to knee surgery.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, March 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (42–0).

The President of the Senate extends courtesies of the floor to Dr. F. W. Slate of Mocksville, who is serving the Senate as Doctor of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Horton, Cochrane, and McDaniel:

S.B. 428, a bill to amend the law regarding the Supplemental Welfare Fund for firemen in Forsyth County.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Plyler and Conder:

S.B. 429, a bill to enact local legislation for Scotland County.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Warren, Albertson, Davis, East, Parnell, Carrington, Edwards, Soles, Dannelly, Hoyle, Sherron, Ledbetter, Rand, Plyler, Horton, and Carpenter:

S.B. 430, a bill to modify the investment authority of a bank under the banking laws.

Referred to **Commerce Committee.**

By Senators Winner, Dannelly, and Odom:

S.B. 431, a bill to remove the sunset on the Charlotte–Mecklenburg school funding pilot.

Referred to **Education/Higher Education Committee.**

By Senators Winner, Dannelly, Odom, and Blackmon:

S.B. 432, a bill to increase the threshold at which Mecklenburg County and the municipalities within the County may use force account qualified labor.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Winner, Dannelly, Odom, and Blackmon:

S.B. 433, a bill to authorize the City of Charlotte to submit proposals and receive contracts for construction and repair work not to exceed two hundred thousand dollars.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Hartsell and Soles:

S.B. 434, a bill to amend the General Statutes regarding liens on real property, as recommended by the General Statutes Commission.

Referred to **Judiciary I/Constitution Committee.**

By Senator Sherron:

S.B. 435, a bill to authorize the Legislative Research Commission to study the development of initiatives to promote comprehensive Statewide planning through a partnership for quality growth.

Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 436, a bill to appropriate funds to the Office of Administrative Hearings for operating expenses of the Civil Rights Division.

Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 437, a bill to repeal the sunset concerning government construction contracts.

Referred to **Commerce Committee.**

By Senator Sherron:
S.B. 438, a bill to provide that social hosts providing alcoholic beverages to adult guests shall not be liable for damages to or caused by those adult guests.
Referred to **Judiciary I/Constitution Committee.**

By Senator Sherron:
S.B. 439, a bill to appropriate funds to the Department of Agriculture for data processing needs.
Referred to **Appropriations Committee.**

By Senator Sherron:
S.B. 440, a bill to appropriate funds to the Department of Agriculture for improving the Weights and Measures Program.
Referred to **Appropriations Committee.**

By Senator Sherron:
S.B. 441, a bill to appropriate funds to the Department of Agriculture for improvements at the Farmers Market in Raleigh.
Referred to **Appropriations Committee.**

By Senator Sherron:
S.B. 442, a bill to appropriate funds to the Department of Human Resources, Division of Services for the Blind, to be used for the support, development, and expansion of Radio Reading Services throughout the State.
Referred to **Appropriations Committee.**

By Senator Sherron:
S.B. 443, a bill to appropriate funds to the Department of Agriculture for a new motor fuels laboratory.
Referred to **Appropriations Committee.**

By Senator Sherron:
S.B. 444, a bill to appropriate funds to the Department of Agriculture for a new roof and related repairs to Dorton Arena.
Referred to **Appropriations Committee.**

By Senator Sherron:
S.B. 445, a bill to appropriate funds to the Department of Agriculture for the construction of an events and exhibits building at the State Fair.
Referred to **Appropriations Committee.**

By Senator Sherron:
S.B. 446, a bill to establish the North Carolina Partnership for Quality Growth.
Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Kincaid:
S.B. 447, a bill to prohibit boards of county commissioners and city councils from appointing their own members to public office except where a statute requires a member of that board to serve.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Cooper and Cochrane:

S.B. 448, a bill to improve the administration of justice and promote judicial economy and efficiency within the Appellate Division of the General Court of Justice by providing for full eight–year terms of office when vacancies arise and an election is held other than at the expiration of the prior term.

Referred to **Judiciary I/Constitution Committee.**

By Senator Cooper:

S.B. 449, a bill relating to practice restrictions imposed on health care workers who are infected with HIV or Hepatitis B.

Referred to **Judiciary I/Constitution Committee.**

By Senators Plyler, Cochrane, Conder, Hobbs, Rand, and Perdue:

S.B. 450, a bill to appropriate funds for the Aid to Public Libraries Fund.

Referred to **Appropriations Committee.**

By Senators Plyler, Conder, Speed, Ballance, Lucas, Martin of Pitt, Hobbs, and Rand:

S.B. 451, a bill to appropriate funds to provide for a Statewide Independent Living Rehabilitation Program.

Referred to **Appropriations Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 160, a bill to require the State to defend county child protective services social workers, adult protective services social workers, and foster care social workers from liability arising from the performance of their official duties, with a favorable report.

On motion of Senator Cooper, the bill is re–referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 104, a bill to make technical and clarifying changes to the revenue laws and related statutes, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Wednesday, March 22.

H.B. 233, a bill to transfer Moore County to Judicial and Prosecutorial Districts 19B.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 377 (Committee Substitute), a bill to transfer to the Charlotte Department of Transportation the authority to approve changes to street names within that City.

Referred to **Transportation Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.J.R. 225

House of Representatives
March 20, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information pursuant to **SJR 225,** A JOINT RESOLUTION INVITING THE HONORABLE BURLEY B. MITCHELL, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, the Speaker has appointed the following members of the House of Representatives to serve with a like committee of the Senate to escort the Chief Justice of the Supreme Court, Burley B. Mitchell, Jr. to the Joint Session:

Representative Daughtry,
Representative Neely,
Representative Linney,
Representative Hackney,
Representative Hensley, and
Representative Fitch

Respectfully,
S/Denise Weeks
Principal Clerk

Upon the appearance of Senator Conder in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR

Bills on the Calendar, carried forward as unfinished business from Monday, March 20, are taken up and disposed of, as follows:

S.B. 237 (Committee Substitute), a bill to clarify the use value tax law, to update the law to conform to modern family property transactions, and to expand the category of relatives who may qualify for use value property transfers.

Senator Kerr offers Amendment No. 1 which is adopted (46–0).

The Committee Substitute bill, as amended, passes its second (46–0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 241, a bill to authorize the Department of Transportation to sell souvenirs on ferries and at ferry facilities.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

S.B. 348, a bill to permit the State to use the Setoff Debt Collection Act to recoup funds owed by teachers who do not fulfill their obligations under the National Board for Professional Teaching Standards Program.

The bill passes its second (45–1) and third readings and is ordered sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.J.R. 225

House of Representatives
March 21, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **SJR 225**, A JOINT RESOLUTION INVITING THE HONORABLE BURLEY B. MITCHELL, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, the House of Representatives stands ready to receive the Senate in Joint Session.

Respectfully,
S/Denise G. Weeks
Principal Clerk

ESCORT COMMITTEE

Pursuant to **S.J.R. 225**, a joint resolution inviting the Honorable Burley B. Mitchell, Jr., Chief Justice of the Supreme Court, to address a Joint Session of the House of Representatives, and the Senate, the Chair recognizes Senator Basnight, President *Pro Tempore*, who announces the additional appointment of Senator Jordan to the Escort Committee appointed March 20 to greet and escort the Chief Justice of the Supreme Court of North Carolina, to the Joint Session in the Hall of the House of Representatives today.

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives to receive the message of the Chief Justice of the Supreme Court of North Carolina.

Senator Basnight offers a motion, in accordance with **S.J.R. 225**, the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session, and further, upon dissolution of the Joint Session to return to the Senate Chamber for the further consideration of business, which motions prevail.

Pursuant to the motions of Senator Basnight, the Chair declares the Senate in recess at 2:58 P.M. and the Senate, preceded by its Officers, repairs to the Hall of the House of Representatives, there to sit in Joint Session with that Honorable Body for the purpose of receiving the address of the Chief Justice of the Supreme Court of North Carolina.

JOINT SESSION

The Senate is received with the Members of the House of Representatives standing and the Joint Session is called to order by the Honorable Harold J. Brubaker, Speaker of the House of Representatives.

The Speaker recognizes the Sergeant–at–Arms of the House of Representatives who announces the presence of the Chief Judge and the Associate Judges of the North Carolina Court of Appeals who await his pleasure. The Speaker directs the Sergeant–at–Arms to escort the Members of the Court of Appeals to the Well of the House to be seated. The Senate and House of Representatives stand and receive the Members of the Court of Appeals.

The Speaker recognizes the Sergeant–at–Arms of the House of Representatives who announces the presence of the Associate Justices of the Supreme Court of North Carolina, who await his pleasure. The Speaker directs the Sergeant–at–Arms to escort the Associate Justices to the Well of the House to be seated. The Senate and House of Representatives stand and receive the Associate Justices of the Supreme Court.

The Speaker extends courtesies of the gallery to Mrs. Burley B. Mitchell, Jr., wife of the Chief Justice of the Supreme Court of North Carolina, and all guests.

The Speaker relinquishes the gavel to the Honorable Dennis A. Wicker, Lieutenant Governor and President of the Senate, who presides.

The President recognizes the Sergeant–at–Arms of the House of Representatives who announces the presence of the Honorable Burley B. Mitchell, Jr., Chief Justice of the Supreme Court of North Carolina. The President directs the Sergeants–at–Arms of the House of Representatives and the Senate to bring the Escort Committees and The Chief Justice to the Well of the House. Senator Cooper presents the Honorable Burley B. Mitchell, Jr., Chief Justice of the Supreme Court of North Carolina to the President of the Senate. The President presents the Honorable Burley B. Mitchell, Jr., to the General Assembly whereupon he delivers his address. (*See Appendix*)

The General Assembly responds to the address of the Chief Justice with a standing ovation.

The President recognizes Senator Cooper, Representative Daughtry, and the Committees to escort the Chief Justice from the Hall of the House of Representatives.

On motion of Senator Basnight, the Joint Session is dissolved and pursuant to motion heretofore made, the Senate returns to its Chamber to resume the consideration of further business.

The Senate meets pursuant to recess and is called to order at 3:51 P.M. by the Honorable Dennis A. Wicker, Lieutenant Governor, and resumes the consideration of business.

CALENDAR (Continued)

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 264, a bill to revive the Charter of the Town of Bethania, as amended, upon third reading.

Receiving a three-fifths affirmative majority vote, the bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Lucas, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—39.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 269, a bill to authorize the Town of Dallas to enact a property maintenance ordinance and to assess certain costs of enforcement as a lien against the property, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Cooper, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Lucas, McDaniel, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sherron, Simpson, Soles, Speed, Webster, and Winner—35.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 282, a bill to allow the City of Rockingham to make satellite annexations of less than an entire subdivision when the property is developed for commercial or industrial use, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sherron, Soles, Speed, Warren, Webster, and Winner—40.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 34, a bill to abolish execution by lethal gas and to provide that a person convicted of a criminal offense who is sentenced to death shall be executed by the administration of lethal drugs, as amended.

With unanimous consent, on motion of Senator Odom, consideration of the bill, as amended, is postponed until Wednesday, March 22.

S.B. 223 (Committee Substitute), a bill to authorize criminal record checks of public school employees, upon third reading.

Senator Winner offers Amendment No. 1.

Following debate, with unanimous consent, on motion of Senator Soles, the Committee Substitute bill, with Amendment No. 1 pending, is taken from today's Calendar and recommitted to the **Judiciary I/Constitution Committee**.

REPORT TO GENERAL ASSEMBLY

A Board, Commission, or Agency directed to report to the General Assembly submits a report (*see Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 561, Section 80 of the North Carolina Session Laws, 1993, and pursuant to Chapter 24, Section 40 of the North Carolina Session Laws, 1993 (Extra Session 1994), the Administrative Office of the Courts submits its report on the Teen Court Programs in North Carolina.

APPOINTMENTS BY THE GOVERNOR

The President of the Senate directs the Reading Clerk to read as follows:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603–8001

March 14, 1996

The Honorable Marc Basnight
Senate President *Pro Tempore*
2007 Legislative Building
Raleigh, NC 27601

Dear Mr. President Pro Tempore:

Pursuant to General Statute 135–6, I hereby appoint the following members to the Board of Trustees of the Teachers' and State Employees Retirement System and submit their names for confirmation by the North Carolina Senate. Their terms will commence April 1, 1995 and expire March 31, 1999.

Shirley A. Bell, Johnston County – active state employee position
Shirley A. Hise, Mitchell County – active teacher position;
James F. Edgerton, Wake County – Department of Transportation employee position;

Biographical information on each of them is attached. Please feel free to contact them if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
Governor

Referred to **Pensions and Retirement/Insurance/State Personnel Committee**.

On motion of Senator Basnight, seconded by Senator McDaniel, the Senate adjourns at 4:07 P.M. to meet tomorrow, Wednesday, March 22, at 3:00 P.M.

THIRTY-THIRD DAY

SENATE CHAMBER,
Wednesday, March 22, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer, sung *a capella*, is offered by Mr. Ray Covington, Vice-President of Institutional Advancement of Greensboro College in Greensboro, as follows:

"Our Father, Who Art in Heaven, Hallowed be Thy Name. Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our debts as we forgive our debtors. And lead us not into temptation, but deliver us from evil, for Thine is the Kingdom, and the Power, and the Glory, forever, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization; to Senator Sawyer due to illness; to Senator Conder for knee surgery; and to Senator Shaw due to illness.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, March 21, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (42-0).

The President of the Senate extends courtesies of the floor to Dr. George Poehlman of Greenville, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 271, an act to remove the sunset on fuel cost adjustment for electric utilities. (Ch. 15)

S.J.R. 236, a joint resolution honoring the life and memory of Senator John Bonnell Codington, MD. (Res. 4)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 294, a bill to limit the issuance and renewal of barber certificates, permits, and licenses, to establish late fees for expired certificates and to make certain revisions to the law governing the Board of Barber Examiners and the sanitary rules, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

By Senator Jordan for the **Local Government and Regional Affairs Committee:**

H.B. 197, a bill to provide a four-year term for the mayor of the Town of Roseboro, with a favorable report.

H.B. 205 (Committee Substitute), a bill to add Alexander, Burke, Caldwell, and McDowell Counties to those counties requiring that all vessels carry personal flotation devices, with a favorable report.

S.B. 316, a bill to grant the Town of Apex a temporary exemption from the total amount of noncontiguous territory that may be annexed, with a favorable report.

S.B. 374, a bill relating to the compensation of the members and chairperson of the Moore County Board of Education, with a favorable report.

S.B. 377, a bill including within the definition of an abandoned vehicle those left on certain highways within the City of Winston-Salem for more than forty-eight hours, with a favorable report.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Warren, Albertson, Hoyle, Martin of Guilford, and Ballance:

S.B. 452, a bill to require that former legislators wait two years before serving on the Board of Governors of the University of North Carolina.

Referred to **Education/Higher Education Committee.**

By Senators Lucas, Edwards, Allran, Parnell, Hobbs, Speed, Warren, Ballance, Albertson, Dannelly, Jordan, Gulley, Odom, Winner, Foxx, McDaniel, and McKoy:

S.B. 453, a bill to make changes in the Prospective Teachers Scholarship Loan Program.

Referred to **Education/Higher Education Committee.**

By Senators Jordan and Rand:

S.B. 454, a bill to appropriate funds for the Cape Fear River Program.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford and McKoy:

S.B. 455, a bill to appropriate funds for land acquisition for North Carolina Agricultural and Technical State University.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford and McKoy:

S.B. 456, a bill to appropriate funds for agricultural research and extension programs at North Carolina Agricultural and Technical State University.

Referred to **Appropriations Committee.**

By Senators Warren, Hartsell, Smith, and Winner:

S.B. 457, a bill to implement the recommendation of the Joint Legislative Education Oversight Committee to appropriate funds to establish new degree programs and to expand existing degree programs in certain allied health fields at various institutions of higher education.

Referred to **Appropriations Committee.**

By Senators Warren and Martin of Pitt:

S.B. 458, a bill to annex certain described territory to the City of Greenville.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Hartsell:

S.B. 459, a bill to amend the bail bond forfeiture procedure provided by Article 26 of Chapter 15A of the General Statutes.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Hartsell, Smith, Warren, and Winner:

S.B. 460, a bill to make technical and clarifying changes to laws concerning the School Administrator Standards Board and to extend to 1998 the date for implementation of the Standards Board Exam.

Referred to **Education/Higher Education Committee.**

By Senators Edwards, Plexico, Kerr, and Jordan:

S.J.R. 461, a joint resolution authorizing the Legislative Research Commission to continue to study ways to promote energy conservation and the use of renewable energy sources in North Carolina.

Referred to **Appropriations Committee.**

By Senators Edwards, Plexico, and Jordan:

S.B. 462, a bill to reduce the motor fuel tax for alternative transportation fuels.

Referred to **Finance Committee.**

By Senators Edwards, Kerr, Plexico, and Jordan:

S.B. 463, a bill to establish the Alternative Transportation Fuel Loan Fund to provide loans to units of local government in order to promote the use of alternative fuels for vehicles.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Edwards, Plexico, and Kerr:

S.B. 464, a bill to establish the State Facilities Energy Conservation Program; to authorize the Department of Administration to enter into alternative financing

agreements for the purchase of energy conservation projects; and to authorize the issuance of bonds that are secured by an interest in the property purchased.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**, and upon a favorable report, re-referred to the **Appropriations Committee.**

COMMITTEE REFERRAL RECALL

S.B. 294, a bill to limit the issuance and renewal of barber certificates, permits, and licenses, to establish late fees for expired certificates and to make certain revisions to the law governing the Board of Barber Examiners and the sanitary rules, reported from the **Children and Human Resources Committee** and re-referred to the **Finance Committee** earlier today.

Pursuant to Rule 47(b), Senator Sherron, offers a motion the bill be taken from the **Finance Committee** and recommitted to the **Children and Human Resources Committee** which motions prevail. With unanimous consent, the Chair orders the bill recalled from the **Finance Committee** and recommitted to the **Children and Humans Resources Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 18 (Committee Substitute), a bill to ensure the best use of day care funds.
Referred to **Children and Human Resources Committee.**

H.B. 103 (Committee Substitute), a bill to strengthen the insurance fraud law.
Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

H.B. 202, a bill to require the observance of a moment of silence in all school units and to ensure freedom of religion in the public schools.
Referred to **Education/Higher Education Committee.**

H.B. 211, a bill amending the Charter of the City of Greensboro to authorize the City Council to require owners of rental property within the City to authorize an agent to accept service of process.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 331, a bill to allow disabled persons to apply to the Wildlife Resources Commission for hunting and fishing methods exemptions to provide reasonable accommodations for their disabilities.
Referred to **Agriculture/Environment/Natural Resources Committee.**

H.B. 469, a bill to change the manner of election of the Davidson County Board of Education from nonpartisan election at the time of the primary to nonpartisan election at the time of the general election.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 34, a bill to abolish execution by lethal gas and to provide that a person convicted of a criminal offense who is sentenced to death shall be executed by the administration of lethal drugs, as amended.

Senator Odom offers Amendment No. 2, which is adopted (45–0).

Senator McDaniel offers Amendment No. 3 which he subsequently withdraws.

On motion of Senator Rand, the bill, as amended, is recommitted to the **Judiciary II/Election Laws Committee.**

S.B. 104, a bill to make technical and clarifying changes to the revenue laws and related statutes, for concurrence in House Amendment No. 1, upon second reading.

The President rules the House amendment not material and the Senate concurs in House Amendment No. 1 (45–0) and the measure is ordered enrolled.

On motion of Senator Basnight, seconded by Senator Perdue, the Senate adjourns at 3:53 P.M. to meet tomorrow, Thursday, March 23, at 3:00 P.M.

THIRTY-FOURTH DAY

SENATE CHAMBER,
Thursday, March 23, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, we live in complex times. Though You have blessed us greatly, many people still live inadequately. No one knows this better than the men and women of the Senate who daily make difficult decisions about laws that are intended to better serve the people of our State. We pray that You would keep them courageous and diligent in that task.

"More importantly, O Lord, we pray that You would transform each of us as we play out our parts in making this world a better place in which to live. Make us so obedient to Your Spirit that our lives may become living prayers, authentic in word and deed, and witness to Your Unfailing Presence.

"Hear and answer our prayer. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Parnell to attend NCOIL (National Conference of Insurance Legislators) meeting; to Senator Sawyer due to illness; to Senator Shaw due to illness; to Senator Smith due to illness; and to Senator Conder for knee surgery.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, March 22, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written (40–0).

COURTESIES

Upon motion of Senator Rand of Cumberland County, the Chair extends courtesies of the floor to students from the City of Ivanovo, Russia who are visiting North Carolina sponsored by Friends of Renaissance and to Mrs. Sonja Rothstein of Fayetteville who is one of the project coordinators. The Chair appoints Senators Rand and Plyler to escort the guests to the Well of the Senate. The guests address the Senate through a translator and perform native songs and dance. A hand-made doll and Russian flag are presented to Senator Rand who accepts them on behalf of the Senate.

Lieutenant Governor Wicker presents a North Carolina flag to the group. The Chair directs Senators Rand and Plyler to escort the visitors from the Chamber.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Plexico.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 75, an act to allow an extension of time for the City of Raeford to file an application for a sales tax refund. (Ch. 16)

S.B. 104, an act to make technical and clarifying changes to the revenue laws and related statutes. (Ch. 17)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 448, a bill to improve the administration of justice and promote judicial economy and efficiency within the Appellate Division of the General Court of Justice by providing for full eight-year terms of office when vacancies arise and an election is held other than at the expiration of the prior term, with a favorable report.

S.B. 287, a bill to amend the law regarding statutory rape and the age of consent, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 1597 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, March 27, for further consideration.

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 346, a bill to repeal the State Work Program as the JOBS Program becomes statewide, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Hobbs, Little, Cochrane, McDaniel, Shaw, Plexico, Dannelly, Hoyle, Gulley, Martin of Guilford, Warren, Odom, Kincaid, and Davis:

S.B. 465, a bill to appropriate funds for a North Carolina Pottery Center to enhance economic development in rural North Carolina through education and the promotion of tourism relating to and derived from the pottery industry.

Referred to **Appropriations Committee**.

By Senators Winner, Odom, Gulley, Lucas, Edwards, Rand, and Dannelly:

S.B. 466, a bill to implement a recommendation of the Joint Legislative Oversight Committee on Early Childhood Education and Development Initiatives to establish a mechanism to fully fund local Smart Start projects that currently are underfunded, and to appropriate funds for that purpose.

Referred to **Appropriations Committee**.

By Senators Winner, Hartsell, Smith, Warren, and Perdue:

S.B. 467, a bill to implement the recommendation of the Joint Legislative Education Oversight Committee to establish a uniform reversion rate under the UNC Management Flexibility and Accountability Act.

Referred to **Education/Higher Education Committee**.

By Senators Little, Odom, Lucas, Hartsell, East, Cochrane, Foxx, Shaw, Carrington, Clark, McDaniel, Ledbetter, Hobbs, Kerr, Blackmon, Martin of Pitt, Hoyle, Kincaid, Carpenter, Davis, and Allran:

S.B. 468, a bill to provide that the board of commissioners of any county having a county manager may assume direct control of any activities theretofore conducted by or through any commission, board, or agency appointed by the county commissioners or acting under and pursuant to authority of the board of county commissioners.

Referred to **Judiciary II/Election Laws Committee**.

By Senator Cooper:

S.B. 469, a bill to enable joint municipal power agencies to engage in electric system activities at the distribution level, to permit two existing joint municipal power agencies to effect corporate reorganization, and to make technical changes to the statutes governing joint municipal power agencies.

Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Gulley:
S.B. 470, a bill to create the Good Funds Settlement Act.
Referred to **Judiciary II/Election Laws Committee**.

By Senators Ledbetter, Clark, and Carpenter:
S.B. 471, a bill to provide that the Buncombe County Board of Education shall be elected on a nonpartisan plurality basis on the date of the general election.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Soles:
S.B. 472, a bill to establish uniform provisions for local occupancy taxes.
Referred to **Finance Committee**.

By Senators Martin of Pitt, Warren, Speed, and Jordan:
S.B. 473, a bill to amend the State Disability Income Plan as it applies to disabled veterans.
Referred to **Pensions and Retirement/Insurance/State Personnel Committee**.

By Senators Martin of Pitt, Kerr, Warren, Jordan, Albertson, and Speed:
S.B. 474, a bill to equalize funding for the Global TransPark Development Zone.
Referred to **Appropriations Committee**.

By Senators Martin of Pitt, Warren, Kerr, Hobbs, Hoyle, Ballance, Plexico, Albertson, Perdue, Speed, and Jordan:
S.B. 475, a bill to appropriate funds to the Rural Economic Development Center, Inc., for economic development needs in economically depressed areas in the State.
Referred to **Appropriations Committee**.

By Senators Foxx and East:
S.B. 476, a bill to change the manner of election of the Ashe County Board of Education from nonpartisan election at the time of the primary to nonpartisan election at the time of the general election.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Kerr:
S.B. 477, a bill to enact the North Carolina Foreign-Money Claims Act, which Act establishes a standard for converting currency for monetary damages resulting from a foreign judicial proceeding or arbitration.
Referred to **Judiciary II/Election Laws Committee**.

By Senator Kerr:
S.B. 478, a bill to coordinate enforcement of federal nursing home requirements with State requirements.
Referred to **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 133 (Committee Substitute No. 2), a bill to enable the County of Columbus to establish an Airport Authority for the maintenance of airport facilities in the County.

Referred to **Finance Committee.**

H.B. 145 (Committee Substitute), a bill to revise and consolidate the Charter of the City of Roanoke Rapids.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 316, a bill to grant the Town of Apex a temporary exemption from the total amount of noncontiguous territory that may be annexed, upon second reading.

With unanimous consent, on motion of Senator Kerr, the bill is re-referred to the **Finance Committee.**

S.B. 374, a bill relating to the compensation of the members and chairperson of the Moore County Board of Education.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 377, a bill including within the definition of an abandoned vehicle those left on certain highways within the City of Winston-Salem for more than forty-eight hours.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 197, a bill to provide a four-year term for the mayor of the Town of Roseboro.

The bill passes its second and third readings and is ordered enrolled.

H.B. 205 (Committee Substitute), a bill to add Alexander, Burke, Caldwell, and McDowell Counties to those counties requiring that all vessels carry personal flotation devices.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

RESOLUTION FROM ANOTHER STATE

The following resolution received March 23, 1995, from another Legislative Body is presented to the Senate and is ordered filed in the Office of the Principal Clerk with the papers of the Senate.

Virginia Senate Joint Resolution No. 279, memorializing the Congress of the United States to propose an amendment to Article V of the Constitution of the United States to provide for state-initiated amendments to the Constitution. (*See Appendix*)

On motion of Senator Basnight, seconded by Senator East, the Senate adjourns at 3:41 P.M. to meet Monday, March 27, at 7:00 P.M.

THIRTY–FIFTH DAY

SENATE CHAMBER,
Monday, March 27, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Grant the Senators and staff grace, O Lord, to do their work this week as workers who never tire of doing good.

"Help them to be diligent and honest in their quest for the truth. Help them to be charitable in their dealings with each other. Give them courage and a quiet mind in facing all tasks and responsibilities.

"Finally, may they serve with the cheerfulness and gladness of children, delighting themselves in their honorable service to You and to the people of our State. In Your Most Holy Name we pray, Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Smith due to hospitalization and to Senator Sawyer due to illness.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, March 23, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (45–0).

The President of the Senate extends courtesies of the floor to Dr. Assad Meymandi of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 197, an act to provide a four–year term for the mayor of the Town of Roseboro. (Ch. 18)

H.B. 205 (Committee Substitute), an act to add Alexander, Burke, Caldwell, and McDowell Counties to those counties requiring that all vessels carry personal flotation devices. (Ch. 19)

REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Commerce Committee:**

S.B. 62, a bill to establish a bill of rights for owners of manufactured homes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 5084 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill, is placed on the Calendar for Tuesday, March 28, for further consideration.

S.B. 413, a bill to authorize the conversion of savings associations and savings banks into commercial banks, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Ballance, Rand, and Hartsell:

S.B. 479, a bill to create the North Carolina Drug Treatment Court Program.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Albertson, Dannelly, Warren, Kerr, Speed, Sherron, Edwards, and Odom:

S.B. 480, a bill to appropriate funds for construction of a Toxicology Building at North Carolina State University.

Referred to **Appropriations Committee.**

By Senators Warren, Kerr, and Parnell:

S.B. 481, a bill to allow the Lenoir County Board of Education to build a central office facility on land leased from the State of North Carolina.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Warren, McDaniel, Hoyle, Carrington, Odom, Edwards, Rand, Speed, Gulley, Little, Forrester, Soles, Perdue, Martin of Guilford, Cooper, and Foxx:

S.B. 482, a bill to make certain miscellaneous amendments to the banking laws.

Referred to **Commerce Committee.**

By Senators Speed, Albertson, Soles, Parnell, East, Martin of Pitt, Simpson, and Hartsell:

S.B. 483, a bill to require the inspection of bison meat that is to be used as food.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Speed, Kerr, Soles, Ballance, and Rand:

S.B. 484, a bill to allow the Division of Motor Vehicles to provisionally restore the drivers license of a person convicted of habitual impaired driving after five years.

Referred to **Judiciary I/Constitution Committee.**

By Senator Parnell:

S.B. 485, a bill to appropriate funds to the Department of Agriculture to update and improve the fertilizer laboratory.

Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 486, a bill to appropriate funds for construction of a Southeastern Farmers' Market and Equestrian/Agricultural Center.

Referred to **Appropriations Committee.**

By Senators Forrester, Rand, and Parnell:

S.B. 487, a bill to provide that the Assistant Adjutant General for the Army National Guard shall serve in the military position of Brigadier General – Line, Deputy, State Area Command (STARC) Commander.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senator Gulley:

S.B. 488, a bill to allow the Business Information Office to assist the public with certain licensing procedures of the Department of Motor Vehicles.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Soles:

S.B. 489, a bill to appropriate funds for the extension of the Beaver Damage Control Pilot Program.

Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 490, a bill to appropriate funds for the Cape Fear River Program.

Referred to **Appropriations Committee.**

By Senator Carpenter:

S.B. 491, a bill to authorize the Town of Highlands to levy a room occupancy and tourism development tax.

Referred to the **Finance Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 108 (Committee Substitute), a bill to provide specialized registration plates for retired clerks of Superior Court.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 206, a bill to incorporate the Village of Flat Rock, subject to a referendum.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 313, a bill to amend the Charter of the City of Mount Airy to change from partisan to nonpartisan the method of electing the Mayor and Board of Commissioners.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 375, a bill to remove the limitation on funding for the per diem costs of inmates housed out–of–State.

Referred to **Appropriations Committee.**

H.B. 405 (Committee Substitute), a bill to authorize the Wildlife Resources Commission to regulate the manner of taking wildlife not classified as game animals.

Referred to **Agriculture/Environment/Natural Resources Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.R. 126
(Committee Substitute No. 2)

House of Representatives
March 23, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to Committee Substitute No. 2 for HR 126, A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, the House has elected the following persons to serve each for a four–year term:

Minority Race Category (2):
Robert J. Brown
Larnie G. Horton, Sr.
Woman Category (2):
Cary C. Owen
Barbara S. Perry
At–Large Category (4):
W. Kenneth Morgan, Sr.
Earl N. Phillips, Jr.
Orville D. Coward, Sr.
John C. Fennebresque

Respectfully,
S/Denise G. Weeks
Principal Clerk

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports (*See Addendum*) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 769 of the 1993 Session Laws, the North Carolina Department of Human Resources, Division of Social Services submits its Report on the North Carolina State Maternity Home Fund;

Pursuant to Chapter 769 of the 1993 Session Laws, the North Carolina Department of Human Resources, Division of Social Services submits its Report on the North Carolina General Assembly Appropriation to Children's Home Society of N.C., Inc.; and

Pursuant to Chapter 24 of the Extra Session 1994 Session Laws, the North Carolina Department of Human Resources submits its Report on the Support Our Students Initiative.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 154, a bill to increase the minimum property damage amount for a reportable motor vehicle accident and to resolve inconsistencies in the law concerning accident reports, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 2575 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 287 (Committee Substitute), a bill to amend the law regarding statutory rape and the age of consent.

On motion of Senator Plyler, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

S.B. 346, a bill to repeal the State Work Program as the JOBS Program becomes statewide.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

S.B. 448, a bill to improve the administration of justice and promote judicial economy and efficiency within the Appellate Division of the General Court of Justice by providing for full eight–year terms of office when vacancies arise and an election is held other than at the expiration of the prior term.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

S.B. 41, a bill to provide a procedure for eliminating frivolous lawsuits by prisoners and to establish a partial filing fee for prisoners proceeding as indigents, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 5574, which changes the title to read **S.B. 41** (Committee Substitute), a bill to provide a procedure for eliminating frivolous lawsuits by prisoners, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Tuesday, March 28, for further consideration.

S.B. 182, a bill to provide that if a candidate died before the primary election in 1994, a refund of the filing fee shall be paid to the estate of the candidate, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the proposed Committee Substitute bill 7592, which changes the title to read **S.B. 182** (Committee Substitute), a bill to provide that if a candidate died before the primary election, the estate of the candidate shall be entitled to a refund of the filing fee, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Plexico for the **Education/Higher Education Committee**:

NORTH CAROLINA GENERAL ASSEMBLY

Senate Chamber
State Legislative Building
Raleigh 27611

March 27, 1995

TO: Members of the Senate

FROM: Senators Plexico and Winner, Co-Chairs
Education/Higher Education Committee

RE: Board of Governors Nominations

Pursuant to **SR 176**, the Education/Higher Education Committee has met and nominates the following individuals to serve in the six at-large positions on the Board of Governors of The University of North Carolina:

	NOMINEE	*SENATE SPONSOR(S)*
1.	Hoyt Q. Bailey	Senator Davis
2.	John B. Beall	Senator Kincaid
3.	F. Edward Broadwell	Senator Plexico
4.	Dr. William T. Brown	Senator Edwards
5.	William L. Burns, Jr.	Senator Gulley
6.	C.C. (Cliff) Cameron	Senator Conder
7.	C. Allen Foster	Senator Shaw
8.	George Jones	Senator McKoy
9.	C. Ralph Kinsey, Jr.	Senators R. Martin & Odom
10.	Bobby D. Locklear	Senator Parnell
11.	James G. Martin	Senator Cochrane
12.	W. Travis Porter	Senators Forrester & Sherron
13.	Paul J. Rizzo	Senator Rand
14.	James Reid Simpson II	Senator Simpson
15.	J. Craig Souza	Senators Cochrane & Cooper
16.	Priscilla P. Taylor	Senator W. Martin
17.	Joseph E. Thomas	Senator Perdue
18.	Robert F. Warwick	Senator Ballantine

The Committee nominates the following individuals to serve in the two minority party of the General Assembly positions on the Board of Governors of The University of North Carolina:

1.	James (Jim) B. Ollis	Senator Plyler
2.	Marshall A. Rauch	Senators Hoyle & Forrester
3.	Benjamin S. Ruffin	Senator Ballance

The Chair orders the Election of the Board of Governors of the University of North Carolina placed on the Calendar as the first order of business tomorrow, Tuesday, March 28.

The Chair extends courtesies of the floor to Linda Gunter, former Senator from Wake County.

PAGES

The President recognizes the following pages serving in the Senate this week:

Jordan Aldridge, Greenville; Sidney Lawrence Clark III, Charlotte; Shelley Brooks Flournoy, Cary; Kelly Michelle Garrison, Dallas; Shannon E. Goodrum, West End; Jaime Lynn Horn, Pfafftown; Vance Terrell Horton, Sanford; Emily Anne MacNaughton, Cary; Katie Matthews, Raleigh; Leah Travys Myers, Kinston; Sarah Catherine Pearson, Gastonia; Tiara Pickard, Reidsville; William Joseph Pointer, Semora; Brandi Chiffon Rhodes, Trenton; Leslie Kyle Rush, Jackson Springs; Ryan Satterfield, Cary; Courtenay Marshall Smith, Southern Pines; Kerry Lamar Smith, Garner; Terranty Stancil, Raleigh; Meredith Troutman, Sanford; Mary Kathryn Tyndall, Raleigh; and Laura Kristen Whaley, Kinston.

On motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 7:43 P.M. to meet tomorrow, Tuesday, March 28, at 1:30 P.M.

THIRTY-SIXTH DAY

SENATE CHAMBER,
Tuesday, March 28, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, which is paraphrased from a prayer by Caryl Mickley, as follows:

"Dear Lord, the wounds of this world are too deep and too many for us to heal them all. The men and women of the Senate know how difficult a task that is.

"Sometimes we have to bring difficult problems and the people whom they affect to You and ask You to look after them—the sick, those whose spirit has withered, the victims of greed and injustice, the prisoners of grief.

"And yet, our Father, never let our prayers excuse us from paying the price of compassion. Make us generous with the resources You have entrusted to us. Let Your Work of help and healing be done in and through us wherever possible.

"In Your Most Holy Name we pray, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Sawyer due to illness and to Senator Smith due to hospitalization.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, March 27, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. J.W.A. Woody of Tryon, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

S.B. 83, a bill to enact the Uniform Statutory Rule Against Perpetuities, as recommended by the General Statutes Commission, with a favorable report.

S.B. 84, a bill to place time limits on options in gross and other interests in land, as recommended by the General Statutes Commission, with a favorable report.

S.B. 85, a bill to authorize honorary trusts, trusts for pets, and trusts for cemetery lots, as recommended by the General Statutes Commission, with a favorable report.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 365, a bill to provide for the taking of nongame fish with bow and arrow under authority of other hunting and fishing licenses, with a favorable report, as amended.

ELECTION OF MEMBERS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

The President lays before the Senate the special order of business, it being the election of members to the Board of Governors on the University of North Carolina.

Pursuant to G.S. 116–6 and **S.R. 176** (Committee Substitute), a Senate simple resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, the Chair recognizes Senator Plexico, Co–Chairman of the **Education/Higher Education Committee**, for the purpose of explaining the voting rules. Senator Plexico announces Senator Winner, Senator Hartsell, and Senator Lucas as assistants to distribute and canvass the ballots. Senator Plexico announces the withdrawal of James (Jim) B. Ollis as a candidate for the Minority Party Category. Senator Plexico outlines the procedure for voting and requests the appointed members to distribute the ballots.

Candidates for the Board of Governors of the University of North Carolina as nominated by the **Education/Higher Education Committee** of the Senate in compliance with G.S. 116–6 as outlined in **S.R. 176**, reported to the Senate on Monday, March 27, and further reflecting the withdrawal of James (Jim) B. Ollis from the Minority Party Category, are laid before the Senate, as follows:

AT–LARGE CATEGORY – FOUR YEAR TERM
(Six Seats)

Hoyt Q. Bailey
John B. Beall
F. Edward Broadwell
Dr. William T. Brown
C. C. (Cliff) Cameron
C. Allen Foster
George Jones
C. Ralph Kinsey, Jr.
Bobby D. Locklear
James G. Martin
W. Travis Porter
Paul J. Rizzo

James Reid Simpson II
J. Craig Souza
Priscilla P. Taylor
Joseph E. Thomas
Robert F. Warwick

MINORITY PARTY CATEGORY - FOUR YEAR TERM
(Two Seats)

Marshall A. Rauch
Benjamin S. Ruffin

The Senators proceed to vote by marking and signing their ballots. Senator Plexico requests the appointed members to collect the ballots and further requests dismissal from the Chamber for himself and the appointed members to canvass the vote. The Chair excuses Senator Plexico, Senator Winner, Senator Hartsell, and Senator Lucas from the Chamber to canvass the votes.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Hartsell and Allran:
S.B. 492, a bill to include businesses that are self-insurers in the allowance of counsel fees in certain suits and to increase the threshold amount of a judgment for which counsel fees are allowed in certain suits.
Referred to **Judiciary II/Election Laws Committee.**

By Senator Ballance:
S.B. 493, a bill to appropriate funds for the cleanup of the polychlorinated biphenyl landfill located in Warren County.
Referred to **Appropriations Committee.**

By Senators Edwards, Plexico, and Kerr:
S.B. 494, a bill to grant a corporate tax credit for the construction of an alternative fuel refueling or recharging facility and for installation of refueling or recharging equipment at a refueling or recharging facility.
Referred to **Finance Committee.**

By Senators Jordan, McKoy, Lucas, Edwards, Martin of Guilford, Ballance, Dannelly, and Rand:
S.B. 495, a bill to create the North Carolina Capital Access Authority to provide equity and credit financing to small and medium-sized businesses to create jobs for North Carolina.
Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Blackmon:
S.B. 496, a bill to allow local governments to forgo collection of ad valorem tax bills when the original principal amount due is under five dollars.
Referred to **Finance Committee.**

By Senators Blackmon, Hobbs, and Cooper:

S.B. 497, a bill to expand the jobs tax credit to provide credit amounts in proportion to the level of economic distress in each county.

Referred to **Finance Committee.**

By Senators Albertson, Dannelly, Lucas, Jordan, Hoyle, Kerr, Speed, Gulley, Carpenter, East, Little, Warren, Edwards, Webster, Forrester, Carrington, Foxx, Perdue, Blackmon, Soles, Odom, Hobbs, Cooper, Cochrane, Winner, and Allran:

S.B. 498, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources to fund the Division of Environmental Health to provide assistance to public water supply systems to secure waivers from certain drinking water tests under the North Carolina Drinking Water Act.

Referred to **Appropriations Committee.**

By Senators Kerr, Speed, Hoyle, Martin of Pitt, Soles, Perdue, Albertson, Carrington, Cooper, Sherron, Warren, and Webster:

S.B. 499, a bill to allow the payment of additional benefits to Rescue and Emergency Medical Services workers.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Kerr:

S.B. 500, a bill to appropriate funds for construction of forty segregation cells and a multipurpose building at Greene Correctional Center.

Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 501, a bill to require the parents of a dependent child who is the parent of a dependent child to contribute to the support of their grandchild.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Rand:

S.B. 502, a bill to establish the licensing and registration of assisted living facilities and to replace the archaic term "domiciliary" care with the term "adult" care.

Referred to **Children and Human Resources Committee.**

By Senators Speed, Soles, Kerr, Hoyle, Martin of Pitt, and Albertson:

S.B. 503, a bill to allow the Division of Motor Vehicles to issue restricted commercial drivers licenses to seasonal drivers for certain farm-related services industries.

Referred to **Transportation Committee.**

By Senators Speed, Soles, Kerr, Martin of Pitt, and Albertson:

S.B. 504, a bill to appropriate funds for meat and poultry inspection.

Referred to **Appropriations Committee.**

By Senator Kincaid:

S.B. 505, a bill to clarify the grounds for removal of a member of a local board of health.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Kincaid:

S.B. 506, a bill to make clarifying, technical changes to various public health laws.

Referred to **Children and Human Resources Committee.**

By Senators Gulley and Lucas:

S.B. 507, a bill to amend the Charter of the City of Durham to permit the City Council to specially assess benefited property for the cost of extending water and sewer lines to property located outside of the city limits when requested by the Board of Commissioners of Durham County without the necessity of a petition for such improvements being submitted.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Cooper:

S.B. 508, a bill to remove the sunset on the Industrial Commission Mediation Program.

Referred to **Judiciary I/Constitution Committee.**

By Senators Jordan, Albertson, and Ballantine:

S.B. 509, a bill to revise Pender County commissioner districts.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Ballance:

S.B. 510, a bill to appropriate funds for a treatment program for alcohol and drug abusers on probation and parole.

Referred to **Appropriations Committee.**

By Senator Ballance:

S.B. 511, a bill to appropriate funds to the North Carolina Legal Education Assistance Foundation for its Loan Repayment Assistance Program for North Carolina public service attorneys.

Referred to **Appropriations Committee.**

By Senators Ballantine, Rand, Carrington, Jordan, Soles, Albertson, Martin of Pitt, Kerr, and Warren:

S.B. 512, a bill to appropriate funds to support local mosquito control districts and other units of local government engaged in mosquito control.

Referred to **Appropriations Committee.**

By Senator Ballantine:

S.B. 513, a bill to limit the applicability of the antideficiency judgment statute.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Ballantine, Jordan, and Soles:

S.B. 514, a bill to appropriate funds for the Carolina Beach Area South Project at Kure Beach for beach renourishment.

Referred to **Appropriations Committee.**

By Senators Plyler, Conder, Plexico, Albertson, Perdue, and Rand:

S.J.R. 515, a joint resolution honoring the life and memory of Franklin "Frank" W. Howey, Sr., of Union County.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Winner:

S.B. 516, a bill to appropriate funds for positions to implement local school technology plans.

Referred to **Appropriations Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 33 (Committee Substitute), a bill to increase the annual renewal fee for a real estate license and to require payment of the application fee each time an applicant takes the real estate examination.

Referred to **Finance Committee**.

H.B. 317, a bill relating to elections of the City of Winston–Salem and the County of Forsyth so that the general law will apply on sharing of costs of the County Board of Elections.

Referred to **Local Government and Regional Affairs Committee**.

H.B. 373, a bill to prohibit the running of deer by dogs in the Town of Southern Shores.

Referred to **Local Government and Regional Affairs Committee**.

H.B. 459, a bill to provide for the cancellation of a note or other indebtedness secured by a deed of trust or mortgage by execution of a certificate of satisfaction.

Referred to **Judiciary II/Election Laws Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

With unanimous consent, the Chair excuses Senators Plexico, Winner, Hartsell, and Lucas from voting while out of the Chamber canvassing the ballots for the election to the Board of Governors of the University of North Carolina.

S.B. 41 (Committee Substitute), a bill to provide a procedure for eliminating frivolous lawsuits by prisoners.

The Committee Substitute bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives.

The Chair announces the return of Senators Plexico, Winner, Hartsell, and Lucas to the Chamber.

S.B. 62 (Committee Substitute), a bill to establish a bill of rights for owners of manufactured homes.

The Committee Substitute bill passes its second (45–1) and third readings and is ordered sent to the House of Representatives.

S.B. 413, a bill to authorize the conversion of savings associations and savings banks into commercial banks.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

ANNOUNCEMENT OF MEMBERS ELECTED TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Pursuant to **S.R. 176** (Committee Substitute), a Senate simple resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, Senator Plexico, Co–Chairman of the **Education/Higher Education Committee**, announces the results of the election to the Board of Governors of the University of North Carolina, as follows:

AT–LARGE CATEGORY – FOUR YEAR TERM

F. Edward Broadwell
Dr. William T. Brown
C.C. (Cliff) Cameron
C. Ralph Kinsey, Jr.
Paul J. Rizzo
Joseph E. Thomas

MINORITY PARTY CATEGORY – FOUR YEAR TERM

Marshall A. Rauch
Benjamin S. Ruffin

Senator Plexico offers a motion to the end the Chair declare F. Edward Broadwell, Dr. William T. Brown, C.C. (Cliff) Cameron, C. Ralph Kinsey, Jr., Paul J. Rizzo, Joseph E. Thomas, Marshall A. Rauch, and Benjamin S. Ruffin, receiving a majority of the votes cast, duly elected to the Board of Governors of the University of North Carolina, which motion prevails by voice vote. The President orders a special message sent to the House of Representatives informing that Honorable Body of such action. The Chair directs Senator Plexico and Senator Winner, Co–Chairmen of the **Education/Higher Education Committee**, to notify the Secretary of the Board of Governors of the University of North Carolina of the names of the persons elected by the Senate and the category and term for which each person was elected.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee**:

S.B. 240, a bill to authorize the Department of Transportation to perform dredging services for units of local government, with a favorable report.

S.B. 331, a bill to provide a limited tolerance for existing truck weights, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, and the proposed Committee Substitute bill 6563 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, March 29, for further consideration.

S.B. 351, a bill to provide for special registration plates for Festival 600, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the proposed Committee Substitute bill 6562 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

On motion of Senator Basnight, seconded by Senator Plexico, the Senate adjourns at 2:21 P.M. to meet tomorrow, Wednesday, March 29, at 3:00 P.M.

THIRTY-SEVENTH DAY

SENATE CHAMBER,
Wednesday, March 29, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend V. Thomas Banks of the First Christian Church in Greenville, as follows:

"O God, You do all things well. You have given talents and resources to each of these gathered here, and then You called them forth to serve.

"Let Your Blessings be on them today, for they have heard Your Call to them. They have been faithful in answering that Call. As they consider the task before them, provide them with the resources they need, such as hope, wisdom, and perspective.

"Let not their service here require undue sacrifice for their households, but lift up loved ones, be the Protector of those they are responsible for, while they are apart from them.

"We pray for the people of this great State. Inspire them to support their servants here. Inhibit attitudes that are self-serving at the expense of the greater good, and instill in our citizens a desire to build up the whole community of North Carolina.

"Use each of us according to Your Glory. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Sawyer due to illness; to Senator Smith due to hospitalization; and to

Senator Jordan to attend an Economic Development Conference in Washington, D.C.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, March 28, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends courtesies of the gallery to Senator–elect Dan Page and his family.

The President of the Senate extends courtesies of the floor to Dr. Grimes Byerly of Hickory, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 367, a bill recommended by the Legislative Research Commission Study Committee on Child Care Issues to establish the requirements for the monthly schedule of payments of the purchase of child care services for low–income children, and to appropriate funds, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the bill, as amended, engrossed and re–referred to the **Appropriations Committee.**

By Senator Parnell for the **Commerce Committee:**

H.B. 161 (Committee Substitute), a bill to provide the public with access to low–cost telecommunications service in a changing competitive environment, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Senate Committee Substitute bill 2100 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Thursday, March 30, for further consideration.

APPOINTMENT BY GOVERNOR

The Chair directs the Reading Clerk to read the following received in the Office of the Principal Clerk on March 28, as follows:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603–8001

March 16, 1995

The Honorable Marc Basnight
Senate President *Pro Tempore*
2304 Legislative Building
Raleigh, NC 27601

Dear Mr. President Pro Tem:

Due to her recent surgery and subsequent recovery period, Ms. Judy Stephenson has been unable to appear before the Senate regarding her recent appointment to the State Personnel Commission. Therefore, I wish to withdraw Ms. Stephenson's nomination at this time; however, I reserve the right to re–submit the nomination when Ms. Stephenson has recovered.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
Governor

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603–8001

March 27, 1995

The Honorable Marc Basnight
Senate President *Pro Tempore*
2304 Legislative Building
Raleigh, NC 27601

Dear Mr. President Pro Tem:

Pursuant to General Statute 126–2, I hereby re–submit the name of Judy M. Stephenson for confirmation by the General Assembly as a member of the State Personnel Commission.

Thank you for your understanding during Ms. Stephenson's surgery and recuperation period.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
Governor

EXECUTIVE ORDER

An Executive Order received (*See Appendix*) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 74, Designating the Year of the Mountains and Creating the Year of the Mountains Commission.

Referred to **Agriculture/Environment/Natural Resources Committee.**

REPORTS OF COMMITTEE

A standing committee submits reports out of the regular order of business, which are read, and take their place on the Calendar, as follows:

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee:**

CONFIRMATION OF APPOINTMENTS

STATE PERSONNEL COMMISSION

The President and Members of the Senate
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601

Mr. President and Members of the Senate:

In compliance with the provisions of G.S. 126–2 requiring appointees to the State Personnel Commission to be confirmed by the General Assembly, Governor Hunt has submitted his appointee, Judy M. Stephenson, for confirmation. Her term will begin July 1, 1995 and will expire on June 30, 2001.

The Senate Committee on State Personnel has considered the appointment and makes the following recommendation to the General Assembly:

That the appointment of Judy M. Stephenson to the State Personnel Commission beginning on July 1, 1995 and expiring on June 30, 2001, be confirmed.

Respectfully submitted,
S/R. C. Soles, Jr.,
Co–Chairman
Senate Committee on State Personnel

Senator Soles offers a motion to the end the Senate adopt the report recommending the appointment by the Governor of Judy M. Stephenson to the State Personnel Commission, which motion prevails by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, and Webster—44.

Voting in the negative: None.

The Chair orders a special message sent to the House of Representatives notifying that Honorable Body of the action of the Senate, to the end that when

the House of Representatives takes a like action the appointment shall be confirmed.

BOARD OF TRUSTEES
TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM
NORTH CAROLINA GENERAL ASSEMBLY

The President and Members of the Senate
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601

Dear Mr. President and Members of the Senate:

In compliance with the provisions of G.S. 135-6 requiring appointees to the Board of Trustees of the Teachers' and State Employees Retirement System to be confirmed by the General Assembly, Governor Hunt has submitted his appointees, Shirley A. Bell, Shirley A. Hise and James F. Edgerton, for confirmation. Their terms will begin April 1, 1995 and expire March 31, 1999.

The Senate Committee on Pensions and Retirement has considered the appointments and makes the following recommendation to the General Assembly:

That the appointments of Shirley A. Bell, Shirley A. Hise and James F. Edgerton to the Board of Trustees of the Teachers' and State Employees Retirement System beginning on April 1, 1995 and expiring on March 31, 1999, be confirmed.

Respectfully submitted,
S/R. C. Soles, Jr.,
Co-Chairman
Senate Committee on State Personnel

Senator Soles offers a motion to the end the Senate adopt the report of the Committee, which motion prevails by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, and Webster—44.

Voting in the negative: None.

The Senate adopts the report and confirms the appointments by the Governor pursuant to G.S. 135-6 of Shirley A. Bell, Shirley A. Hise, and James F. Edgerton to the Board of Trustees of the Teachers' and State Employees Retirement System.

A message is ordered sent to the House of Representatives notifying that Honorable Body of such action.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 259, a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense and to protect merchants and peace officers from civil liability for detention or arrest of persons accused of larceny, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 7596 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Tuesday, April 4, for further consideration.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Simpson:

S.B. 517, a bill to permit the County of Burke to collect delinquent fees for EMS services in the same manner as property taxes and to prohibit the registration of motor vehicles owned by persons owing delinquent EMS services in Burke County.

Referred to **Finance Committee.**

By Senators Kincaid and Davis:

S.B. 518, a bill to amend the laws of North Carolina to improve the administration of the Water Supply Watershed Protection Act.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Carpenter, Ballance, Conder, Speed, Albertson, Foxx, Davis, and Clark:

S.B. 519, a bill to encourage the purchase of commodities and services offered by blind and by severely disabled persons.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators McDaniel, Ballantine, Shaw, McKoy, Davis, and Dannelly:

S.B. 520, a bill to criminalize indecent liberties between children.

Referred to **Judiciary I/Constitution Committee.**

By Senators Foxx and East:

S.B. 521, a bill relating to notices of *lis pendens* by the City of Reidsville.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Hoyle, Forrester, and Davis:

S.B. 522, a bill to appropriate funds for the North Carolina Center for Applied Textile Technology.

Referred to **Appropriations Committee.**

By Senators Hobbs and Little:

S.B. 523, a bill to allow Central Carolina Community College to lease certain property to the Chatham County Council on Aging.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Hobbs and Little:

S.B. 524, a bill making sundry amendments concerning local governments in Orange County.

Referred to **Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Forrester, Hoyle, and Carpenter:

S.B. 525, a bill to require the State Health Director to prepare a medical and health benefits plan.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Plexico, Winner, Perdue, Hartsell, Plyler, Conder, and Davis:

S.B. 526, a bill to provide that the General Assembly shall appoint four members to the Board of Trustees for each constituent institution.

Referred to **Rules and Operation of the Senate Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 372 (Committee Substitute), a bill to provide that the Madison County Board of Education shall take office in July of the year of their election.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 409 (Committee Substitute), a bill to add certain drugs to the controlled substances law.

Referred to **Judiciary I/Constitution Committee.**

H.B. 438, a bill to amend the State Personnel Act relating to the definition of career State employee, the grounds for State employee appeals, the investigatory duties of the Office of State Personnel, and the priority consideration of State employees in filling vacancies; to provide for the adoption of an alternative dispute resolution procedure by the State Personnel Commission; and to allow alternative observance of the New Year's Holiday.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 83, a bill to enact the Uniform Statutory Rule Against Perpetuities, as recommended by the General Statutes Commission.

The bill passes its second reading (39-6).

Senator Hartsell objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, March 30, for further consideration upon third reading.

S.B. 84, a bill to place time limits on options in gross and other interests in land, as recommended by the General Statutes Commission.

The bill passes its second reading (41-5).

Senator Hartsell objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, March 30, for further consideration upon third reading.

S.B. 85, a bill to authorize honorary trusts, trusts for pets, and trusts for cemetery lots, as recommended by the General Statutes Commission.

The bill passes its second (41–4) and third readings and is ordered sent to the House of Representatives.

S.B. 240, a bill to authorize the Department of Transportation to perform dredging services for units of local government.

Senator Simpson offers Amendment No. 1 which is adopted (37–7).

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, *who presides in the absence of the Lieutenant Governor.*

The bill, as amended, passes its second reading (41–4).

Senator Kincaid objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, March 30, for further consideration upon third reading.

S.B. 331 (Committee Substitute), a bill to provide a limited tolerance for existing truck weights.

Senator Hoyle offers Amendment No. 1 which is adopted (43–0).

Senator Gulley offers Amendment No. 2 which is adopted (44–1).

Senator Martin of Guilford offers Amendment No. 3.

Senator Basnight, President Pro Tempore, *relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.*

Amendment No. 3 fails of adoption (4–40) and the question reverts to passage of the Committee Substitute bill, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second (41–3) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 365, a bill to provide for the taking of nongame fish with bow and arrow under authority of other hunting and fishing licenses.

On motion of Senator Albertson, Committee Amendment No. 1 is adopted.

Following debate Senator Soles offers a motion further consideration of the bill, as amended, be postponed until tomorrow, Thursday, March 30, which motion prevails with unanimous consent. The Chair orders the bill, as amended, placed on the Calendar for tomorrow, March 30, for further consideration.

On motion of Senator Basnight, seconded by Senator Forrester, the Senate adjourns at 4:37 P.M. to meet tomorrow, Thursday, March 30, at 12:30 P.M.

THIRTY-EIGHTH DAY

SENATE CHAMBER,
Thursday, March 30, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Senator C. R. Edwards of Cumberland County, as follows:

"May we pray.

"Eternal God, our Father, Thou Who Art from Everlasting to Everlasting, Thou Who Art the Creator and Sustainer of all life, Thou Who Hast Brought us thus far on our way, we pause now at the beginning of this Session to give Thee thanks and to recognize You as Lord.

"We thank Thee for the opportunity we have to serve. We thank Thee for this great nation of which we are part. We thank Thee for all that is good, but we repent of all that is evil. And will Thou use us as instruments to bring about the kind of world where peace and good will will reign forever?

"Bless us now, keep us, use us, for we ask it all in His Name, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization; to Senator Sawyer due to illness; and to Senator Conder recuperating from knee surgery.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, March 29, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Louie L. Patseavouras of Greensboro, who is serving the Senate as Doctor of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Soles:

S.B. 527, a bill to provide for a referendum on the repeal of the Charter of the Town of Sandyfield.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Soles, Allran, Rand, Hartsell, Cooper, Martin of Guilford, Gulley, Winner, Ballantine, Odom, Warren, Kerr, Horton, and Ballance:

S.B. 528, a bill to establish mediated settlement conferences in civil actions in superior court.

Referred to **Judiciary I/Constitution Committee.**

By Senator Webster:

S.B. 529, a bill to remove the sunset on the authorization for Alamance County to enter into a contract to repair the Alamance County Courthouse.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Gulley:

S.B. 530, a bill to provide that the county publish a notice of a road closure hearing rather than publishing the full road closure resolution as currently required by law.

Referred to **Judiciary II/Election Laws Committee**.

By Senator Simpson:

S.B. 531, a bill to enact local legislation for Burke County.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Simpson:

S.B. 532, a bill to enact local legislation for Burke County concerning Lake James boating regulations.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Parnell:

S.B. 533, a bill to appropriate funds for improvements at the site of the North Carolina Indian Cultural Center.

Referred to **Appropriations Committee**.

By Senator Parnell:

S.B. 534, a bill to amend the law regulating surety bondsmen, bail bondsmen, and runners.

Referred to **Judiciary II/Election Laws Committee**.

By Senators Ledbetter and Clark:

S.B. 535, a bill to establish the appointive office of Tax Collector for Buncombe County and the City of Asheville upon the expiration of the term of the present elected Tax Collector and to authorize the joint or separate appointment of a Tax Collector for the County and City.

Referred to **Local Government and Regional Affairs Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 268 (Committee Substitute), a bill to provide that fees paid by borrowers to loss reserve accounts of State-funded economic development programs are not considered interest or subject to claims or defenses of usury, as rewritten by the **Commerce Committee**, with a favorable report.

H.B. 33 (Committee Substitute), a bill to increase the annual renewal fee for a real estate license and to require payment of the application fee each time an applicant takes the real estate examination, with a favorable report.

By Senator Parnell for the **Commerce Committee:**

S.B. 430, a bill to modify the investment authority of a bank under the banking laws, with a favorable report.

With unanimous consent, on motion of Senator Parnell, the bill is placed on the Calendar for Thursday, April 6, for consideration.

S.B. 482, a bill to make certain miscellaneous amendments to the banking laws, with a favorable report.

With unanimous consent, on motion of Senator Parnell, the bill is placed on the Calendar for Thursday, April 6, for consideration.

By Senator Speed for the **Transportation Committee**:

S.B. 357, a bill to exempt the Department of Transportation from the requirement of making quarterly reports of mileage of State vehicles assigned to the Department and to allow assignments of vehicles to the Department to be revoked only when the Department consents, with a favorable report.

H.B. 122 (Committee Substitute), a bill to expand the allowable uses of transporter plates, to allow owners of salvage vehicles to retain title to the vehicles, and to exempt out–of–State utility vehicles that are used in certain emergency operations from the vehicle registration and road tax requirements, with a favorable report.

H.B. 377 (Committee Substitute), a bill to transfer to the Charlotte Department of Transportation the authority to approve changes to street names within that City, with a favorable report.

S.B. 296, a bill to provide that the laws relating to motor vehicles apply within the Lake Royale Community in Franklin and Nash Counties, with a favorable report, as amended.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 86 (Committee Substitute), a bill to require the identification of the nonsupporting parent of any child receiving public assistance, to require the mother to identify the person reasonably believed to be the father, to require the State Registrar to provide paternity affidavits to the Child Support Enforcement Section of the Division of Social Services, and to require the Division of Social Services to study claims of good cause for refusing to establish paternity.

Referred to **Children and Human Resources Committee.**

H.B. 345, a bill to authorize the Town of Yaupon Beach to create a sea turtle sanctuary.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 374 (Committee Substitute), a bill to amend the extension of bear hunting season in Pasquotank and Camden Counties and to include Chowan County in that extension of the season.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 508, a bill to change the nonpartisan election of the Transylvania County Board of Education from the date of the primary to the date of the general election.

Referred to **Local Government and Regional Affairs Committee.**

COURTESIES OF FLOOR
AMBASSADOR OF TAIWAN

Senator Basnight, President *Pro Tempore*, rises and with the following remarks offers a motion to the end privileges of the floor be extended to the Ambassador of Taiwan, the Honorable Benjamin Lu, and his entourage which motion prevails:

"Taiwan, as you know, is a major trading partner with North Carolina. Last year we did, in exports alone, about $186 million. That, as you're probably aware, is exceeding our export numbers with France, Italy, Spain, and other countries around the globe. They have meant a great deal to our industries in this State and our businesses, small and large, as well. And it gives me great pleasure to bring to the Chamber of the Senate the opportunity for us to allow the Ambassador of Taiwan to speak to us, and Mr. President, if it be appropriate to allow the Ambassador to entertain any questions we may have."

With unanimous consent, the Chair directs Senator Soles, Deputy President *Pro Tempore*, to escort the distinguished guest to the Well of the Senate. The Senate receives the Ambassador of Taiwan standing. Senator Soles presents the Ambassador of Taiwan to the President of the Senate who welcomes him and presents him to the Senate. The Ambassador briefly addresses the Senate. (*See Appendix.*)

Following his remarks, Lieutenant Governor Wicker presents the Ambassador a North Carolina Flag. The Chair recognizes Senator Soles to escort the distinguished visitors from the Chamber.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 83, a bill to enact the Uniform Statutory Rule Against Perpetuities, as recommended by the General Statutes Commission, upon third reading.

On motion of Senator Hartsell, consideration of the bill is postponed until Tuesday, April 4.

S.B. 84, a bill to place time limits on options in gross and other interests in land, as recommended by the General Statutes Commission, upon third reading.

On motion of Senator Hartsell, consideration of the bill is postponed until Tuesday, April 4.

S.B. 365, a bill to provide for the taking of nongame fish with bow and arrow under authority of other hunting and fishing licenses, as amended.

The bill, as amended, passes its second (41–1) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 161 (Senate Committee Substitute), a bill to provide the public with access to low-cost telecommunications service in a changing competitive environment.

The Senate Committee Substitute bill passes its second (44–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 240, a bill to authorize the Department of Transportation to perform dredging services for units of local government, as amended, upon third reading.

The bill, as amended, passes its third reading (43–1) and is ordered engrossed and sent to the House of Representatives.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Addendum*) which is disposed of, as follows:

Pursuant to Chapter 769, Sec. 28.7(g) of the 1993 Session Laws, the North Carolina Department of Commerce submits a report on the Regional Economic Development Commission Expansion.

Referred to **Appropriations Committee**.

On motion of Senator Basnight, seconded by Senator Davis, the Senate adjourns at 1:13 P.M. to meet Monday, April 3, at 7:00 P.M.

THIRTY-NINTH DAY

SENATE CHAMBER,
Monday, April 3, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"O Lord, our God, as the Senate begins a new week, pressing ever forward in debate and decision, we confess that it is human nature to want answers that are easy, roads that are smooth, results that are quick.

"We want one key that will unlock all doors, one medicine that will cure all ills, one solution that will cure all problems. And sometimes in all our busy searchings, we are reminded that You have been left behind.

"So let our first order of business be to seek Your Guidance in all that is deliberated in this Chamber, so that You may be a lamp unto our feet and a light unto our pathways. Hear our prayer, O Lord. Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Sawyer due to hospitalization; to Senator Smith due to illness; to Senator Odom due to trial of a lawsuit; and to Senator Hartsell to attend a county commissioner's meeting.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, March 30, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (45–0).

The President of the Senate extends courtesies of the floor to Dr. Sidney A. Martin of Raleigh, who is serving the Senate as Doctor of the Day.

ELECTION TO 15TH SENATORIAL DISTRICT

The Chair directs the Reading Clerk to read as follows:

I, RUFUS L. EDMISTEN, Secretary of State of the State of North Carolina, do hereby certify that the State Board of Elections met via telephone conference on Monday, the 3rd day of April, A.D., 1995, in accordance with Chapter 163 of the General Statutes of North Carolina, at which time the Board did open, canvass and determine the returns of votes cast in the special election held on Tuesday, March 28th, 1995, and certified to me the person duly elected as a member of the Senate from Senate District 15 by the State Board of Elections as having the highest number of votes cast in the special election for Senate District 15 for General Assembly of 1995, to wit:

DISTRICT	NAME
15th	**Daniel E. Page**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

DONE IN OFFICE at Raleigh, this 3rd day of April, 1995.

S/Rufus L. Edmisten
(SEAL) *Secretary of State*

The Chair recognizes the Sergeant–at–Arms, who announces the presence of Senator–elect Daniel E. Page, his wife, Amy Page, and Judge Samuel Stuart Stephenson from the 11th Judicial District, in the Chamber and awaits direction of the Chair.

The Chair greets Senator–elect Page and recognizes Senator Basnight, President *Pro Tempore*, who appoints Senator Cochrane, Senator Allran, Senator Shaw, and

Senator Hobbs to escort the newly elected member, Daniel E. Page, to the Well of the Senate.

The Chair extends courtesies of the floor to Mrs. Daniel E. Page and Judge Samuel Stuart Stephenson, and directs the Sergeant–at–Arms to escort them to the Well of the Senate.

On motion of Senator Cochrane, remarks are spread upon the Journal, as follows:

By Judge Stephenson:

"Thank you, Mr. President; To you and to the President *Pro Tem* of the Senate, to the Senators here, to the ladies and gentlemen.

"It is an honor and a distinct pleasure for me to swear in this evening Dan E. Page as a member of the Senate representing the Fifteenth District.

"He is my neighbor and friend and he is an outstanding Christian gentleman. He has conducted himself honorably in two campaigns and he was overwhelmingly elected last Tuesday. We all wish him the best and, of course, have great expectations for him. Mrs. Page, please hold the Bible. Senator–elect Page, if you will, please place your left hand on the Bible and hold up your right, and repeat after me.

"Do you, Daniel E. Page, solemnly swear that you will support the Constitution and laws of the United States, so help you God?"

By Senator–Elect Page:

"I do."

By Judge Stephenson:

"Do you solemnly and sincerely swear that you will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof, and will you endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States to the best of your knowledge and ability?"

By Senator–Elect Page:

"I will."

By Judge Stephenson:

"Do you solemnly and sincerely swear that you will faithfully discharge your duties as a Senator representing the Fifteenth Senatorial District of the Senate of the 1995 General Assembly of the State of North Carolina to the best of your skill and ability, so help you God?"

By Senator–Elect Page:

"I do."

By Judge Stephenson:

"All right. I'm going to ask you now, Senator–elect Page, if you will, I'm going to ask you to sign your oath, and if you will, place your name, Daniel E. Page, above the line. Okay.

"Madam Clerk, I herewith submit to you and ask you to receive the signed oath of Daniel E. Page bearing his signature and mine to be accepted as a part of the the North Carolina State Senate records. (Applause) I want to congratulate you as being the newest Member of the North Carolina State Senate and also, I understand, the youngest. Congratulations." (Applause)

By Lieutenant Governor Wicker:

"The Chair recognizes the President Pro Tem of the Senate, Senator Basnight of Dare."

By Senator Basnight:

"Thank you again, Mr. President, and Members of the Senate. I now move that the escort committee please escort our newly elected and sworn in Senator to Seat 19 while he will represent his people of the District, and at the same time would the escort committee please escort the Judge and the wife of the Senator to the rear of the Chambers."

By Lieutenant Governor Wicker:

"The Chair so directs.

"The Chair recognizes Senator Page to speak to the Senate on a point of personal privilege. You have the floor, Senator."

By Senator Page:

"Thank you, Mr. President. I want to say thank you, Mr. President, to you; to President *Pro Tem*, Marc Basnight; to Senate Minority Leader, Betsy Cochrane; and to many of you for extending the courtesies that you have to me in getting settled in; and I also want to thank the people of the Fifteenth Senate District from Harnett, Lee, Johnston, and Sampson Counties, many of whom are here tonight for the privilege and the opportunity to serve you in this Senate. And I just want to say that I look forward to working with the Senate members in the upcoming weeks and months. Thank you." (Applause)

COMMITTEE APPOINTMENTS

Senator Basnight appoints Senator Page to the **Finance Committee**, the **Agriculture/Environment/Natural Resources Committee**, the **Transportation Committee,** and to the **Judiciary I/Constitution Committee**, and assigns his office as Room 1414 of the Legislative Building.

The President *Pro Tempore* announces changes in assignments to Standing Committees as follows:

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES

Senator Kincaid is removed.

FINANCE

Senator Little is temporarily appointed until such time as either Senator Sawyer or Senator Smith withdraw the leave of absence granted.

The Chair recognizes Senator Basnight, President *Pro Tempore*, who offers congratulatory remarks to Senator Page, as follows:

"For our newly seated Senator, we wish you the best in your endeavors to represent the people of your District and this State in the vision and the mindset you feel is in the best interest of all of us. And in that effort, all of us stand ready, as well, to assist you in any way we can. Welcome to your family."

The Chair declares a ten minute recess at 7:19 P.M. to the end members may offer congratulations to Senator Page.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 54 (Committee Substitute), an act to make statutory conforming changes necessitated by an act to provide for a gubernatorial veto. (Ch. 20)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Commerce Committee:**

S.B. 65, a bill to regulate check cashing businesses, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

The Chair rules the measure does not require an assessment report under the provisions of G.S. 120–149 and Rule 42.3.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 2583, which changes the title to read **S.B. 65** (Committee Substitute), a bill to regulate check–cashing businesses, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Committee Substitute bill is adopted.

On motion of Senator Sherron, the Committee Substitute bill is re–referred to the **Finance Committee.**

By Senator Winner for the **Education/Higher Education Committee:**

S.B. 99, a bill to grant additional management flexibility to local boards of education, to ensure that local boards of education are held accountable for the use of that flexibility, and to assess the relationship between expenditures for public schools and student performance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended, and the proposed Committee Substitute bill 1607, which changes the title to read, **S.B. 99** (Committee Substitute), a bill to grant additional management flexibility to local boards of education, to assess the relationship between expenditures for public schools and student performance, and to make conforming statutory changes is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Committee Substitute bill is adopted, and on her further motion is re–referred to the **Appropriations Committee.**

S.B. 24, a bill to refocus the school testing program on the basics, with an unfavorable report as to the bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended, and the proposed Committee Substitute bill 4584 is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Tuesday, April 4, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Foxx:

S.B. 536, a bill to authorize the City of Mount Airy to levy a room occupancy and tourism development tax.

Referred to **Finance Committee.**

By Senators Foxx, East, Kincaid, and Simpson:

S.B. 537, a bill to make certain ski privilege violations unlawful in Avery and Watauga Counties and to provide penalties for those violations.

Referred to **Judiciary I/Constitution Committee.**

By Senators Plexico and Winner:

S.J.R. 538, a joint resolution providing for a joint session of the General Assembly to consider action on the appointments by the Governor of new members to the State Board of Education.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Plexico and Winner:

S.J.R. 539, a joint resolution providing for confirmation of the appointments of Kathy A. Taft and Jane Norwood to membership on the State Board of Education.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Conder and Plyler:

S.B. 540, a bill to provide for election of all the members of the Rockingham City Council for four–year terms.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Dannelly, Little, Albertson, Davis, Forrester, Cochrane, Allran, East, Winner, Martin of Guilford, and Gulley:

S.B. 541, a bill to provide for review of the Director of Social Services' decisions not to file abuse, neglect, or dependency petitions and to make clarifying changes to the law governing investigations of reports of abuse, neglect, and dependency.

Referred to **Children and Human Resources Committee.**

By Senator Allran:

S.B. 542, a bill to provide for the nonpartisan election of the Catawba County Board of Education by plurality vote at the time of the County general election.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Allran (by request):

S.B. 543, a bill to provide that jailers and communicators employed by the Catawba County Sheriff's Department are eligible to receive the benefits afforded

to law enforcement officers through the Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senator Shaw:

S.B. 544, a bill to require that a public hearing be held prior to the approval of an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a transfer station.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Parnell, Forrester, Lucas, Carpenter, Hoyle, and Warren:

S.B. 545, a bill to change the statutory cap on charges for processing medical record copy requests.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Gulley, Martin of Guilford, Hoyle, Plexico, Blackmon, Odom, Dannelly, Lucas, and McKoy:

S.B. 546, a bill to allow cities to provide for a nonbinding presidential primary at the time of the municipal election so as to focus national attention and at least a part of the presidential debate on urban issues.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Gulley:

S.B. 547, a bill to authorize the Legislative Research Commission to continue a study of employment procedures.

Referred to **Appropriations Committee.**

By Senators Plexico, Rand, Martin of Pitt, Cochrane, Simpson, and Martin of Guilford:

S.B. 548, a bill to appropriate funds to the Center for Community Self–Help to further a statewide program of lending for home ownership.

Referred to **Appropriations Committee.**

By Senator Plexico:

S.B. 549, a bill to appropriate funds for the purchase and emergency stabilization of the Shook–Smathers House.

Referred to **Appropriations Committee.**

By Senator Cooper:

S.B. 550, a bill to improve the administration of justice and promote judicial economy and efficiency within the Superior Court Division of the General Court of Justice by providing for full eight–year terms of office when vacancies arise and an election is held other than at the expiration of the prior term.

Referred to **Judiciary I/Constitution Committee.**

By Senators Cooper, Little, Forrester, Perdue, Martin of Guilford, and Hobbs:

S.B. 551, a bill to appropriate funds to provide diagnostic and treatment services for children with craniofacial anomalies including cleft lip/palate.

Referred to **Appropriations Committee.**

By Senator Cooper:
S.B. 552, a bill to clarify the law regarding public hospital contracting.
Referred to **Judiciary I/Constitution Committee.**

By Senator Cooper:
S.B. 553, a bill pertaining to the County of Nash.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Kerr and Carpenter:
S.B. 554, a bill to authorize the purchase of goods and services for persons with disabilities under procedures that allow flexibility to meet individual needs.
Referred to **Judiciary II/Election Laws Committee.**

By Senator Sherron:
S.B. 555, a bill to increase the maximum fees that the North Carolina State Board of Dental Examiners may access, to move fee authorizations from separate sections to a general fee section, to eliminate a fee that is not needed, and to update statutory language on board annual meetings.
Referred to **Finance Committee.**

By Senator Simpson:
S.B. 556, a bill to specify how the proceeds of the Burke occupancy tax shall be divided between the two purposes for which they may be used.
Referred to **Finance Committee.**

By Senators Ballantine and Jordan:
S.B. 557, a bill to authorize the City of Wilmington to enter into annexation and payment in lieu of tax agreements with the owners of certain classes of properties.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Odom, Winner, Dannelly, and Blackmon:
S.B. 558, a bill to provide for expedited eviction of persons engaged in drug-related criminal activity and other criminal activity that threatens the health, safety, or peaceful enjoyment of rental property.
Referred to **Judiciary I/Constitution Committee.**

By Senators Odom, Winner, Dannelly, and Blackmon:
S.B. 559, a bill to increase the penalties for a drug offense that occurs in a drug-free public housing zone, to provide that acceptance of rent by a housing authority is not a waiver of default, and to authorize housing authorities to govern entry upon housing authority property by guests and visitors.
Referred to **Judiciary I/Constitution Committee.**

By Senators Odom, Blackmon, Winner, and Dannelly:
S.B. 560, a bill to authorize a county director of social services to delegate the function of issuing youth employment certificates.
Referred to **Children and Human Resources Committee.**

By Senators Odom, Winner, Dannelly, and Blackmon:
S.B. 561, a bill to appropriate funds to meet the mandate for a "single portal of entry and exit" for area mental health authorities.
Referred to **Children and Human Resources Committee.**

By Senators Odom, Winner, Dannelly, and Blackmon:

S.B. 562, a bill to appropriate funds to enable the Mecklenburg County Department of Social Services to move towards a "single portal of entry."

Referred to **Appropriations Committee**.

By Senators Odom, Winner, Dannelly, and Blackmon:

S.B. 563, a bill to annex certain described property into the corporate limits of the Town of Cornelius.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Odom:

S.B. 564, a bill to change the manner in which an execution date is reset for a person who has been sentenced to death and whose sentence has been affirmed and any stay of execution has expired.

Referred to **Judiciary I/Constitution Committee**.

By Senators Odom and Ballance:

S.B. 565, a bill to direct the Joint Legislative Corrections Oversight Committee to study the Salary Continuation Program in the Department of Correction.

Referred to **Judiciary II/Election Laws Committee**.

By Senators Perdue, Cochrane, Winner, Lucas, Foxx, Carpenter, and Little:

S.B. 566, a bill to provide for direct access by women to obstetrician–gynecologists.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee**.

By Senators Winner, Perdue, Lucas, Odom, Plexico, Cochrane, and Gulley:

S.B. 567, a bill to make domestic violence a presumptive factor in custody determination matters.

Referred to **Judiciary I/Constitution Committee**.

By Senator Cochrane:

S.B. 568, a bill to provide that the Davie County Board of Education shall take office on the first Monday in July following their election.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Webster, Kerr, Carrington, and Sherron:

S.B. 569, a bill to extend the time limit within which a taxpayer can demand a tax refund from thirty days to the later of three years after the return was due or six months after the tax was paid.

Referred to **Finance Committee**.

By Senators Soles, Jordan, Parnell, Kerr, and Warren:

S.B. 570, a bill to facilitate extension of a certain interstate natural gas pipeline by exempting generation served by that pipeline from regulation as a public utility.

Referred to **Commerce Committee**.

By Senators Warren, Kerr, and Martin of Pitt:

S.B. 571, a bill to appropriate funds for Agricultural Research at Cunningham Farm, a North Carolina State University Research Station.

Referred to **Appropriations Committee**.

By Senators McKoy, Jordan, McDaniel, Clark, Hobbs, Sherron, Edwards, Lucas, Carrington, Simpson, Martin of Guilford, Hartsell, Carpenter, and Davis:

S.B. 572, a bill to provide for surety bonds for small businesses that contract with governmental agencies.

Referred to **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 9 (Committee Substitute), a bill to expedite the postconviction process in North Carolina.

Referred to **Judiciary I/Constitution Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 296, a bill to provide that the laws relating to motor vehicles apply within the Lake Royale Community in Franklin and Nash Counties.

On motion of Senator Speed, Committee Amendment No. 1 is adopted.

The bill passes its second (44–0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 377 (Committee Substitute), a bill to transfer to the Charlotte Department of Transportation the authority to approve changes to street names within that City.

With unanimous consent, on motion of Senator Blackmon, consideration of the Committee Substitute bill is postponed until Tuesday, April 4.

H.B. 33 (Committee Substitute), a bill to increase the annual renewal fee for a real estate license and to require payment of the application fee each time an applicant takes the real estate examination, upon second reading.

The Chair rules the Committee Substitute bill does not require a call of the roll.

The Committee Substitute bill passes its second (43–3) and third readings and is ordered enrolled.

H.B. 122 (Committee Substitute), a bill to expand the allowable uses of transporter plates, to allow owners of salvage vehicles to retain title to the vehicles, and to exempt out–of–State utility vehicles that are used in certain emergency operations from the vehicle registration and road tax requirements, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is re–referred to the **Finance Committee.**

S.B. 268 (Committee Substitute), a bill to provide that fees paid by borrowers to loss reserve accounts of State–funded economic development programs are not considered interest or subject to claims or defenses of usury.

The bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives.

S.B. 357, a bill to exempt the Department of Transportation from the requirement of making quarterly reports of mileage of State vehicles assigned to the Department and to allow assignments of vehicles to the Department to be revoked only when the Department consents.

The bill passes its second reading (41–4).

Senator Sherron objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, April 4, for further consideration upon third reading.

EXECUTIVE ORDERS

Executive Orders received (*See Appendix*) are presented to the Senate, read, and referred to committee, as follows:

Executive Order No. 73, Suspension of Rules During Local Emergencies.
Referred to **Rules and Operation of the Senate Committee**.

Executive Order No. 75, Creation of regional Councils and a Coordinating Council to Support Sound Environmental Management in the Albemarle–Pamlico Estuarine Study Region.
Referred to **Rules and Operation of the Senate Committee**.

RESOLUTIONS FROM OTHER STATES

The following resolutions received on March 31, 1995, from other Legislative Bodies are presented to the Senate and are ordered filed in the Office of the Principal Clerk with the papers of the Senate. (*See Appendix*)

Oregon Senate Concurrent Resolution 3, declaring sovereignty of the State of Oregon over the Federal Government and instructing the Federal Government to cease and desist immediately all mandates outside the scope of its constitutionally delegated authority.

Arkansas Senate Concurrent Resolution No. 2. declaring the sovereignty of the State of Arkansas under the 10th Amendment to the Constitution of the United States and petitioning Congress to cease and desist mandates that are beyond the scope of its Constitutionally–delegated powers.

PAGES

The President recognizes the following pages serving in the Senate this week:

Aja Andreu, Concord; Shawn A. Andrews, Huntersville; Brenda Austin, Arden; Ashley Alan Avery, Rocky Mount; Arvett L. F. Bowen, Benson; Benjamin D. Caricofe, Apex; Jared Alan Childress, Boiling Springs; Ben Connor, Kings Mountain; Chris Eudy, Concord; Kimberly Sue Fales, Pope Air Force Base;

Daniel C. Fitzpatrick, Durham; Brady Johnson, Four Oaks; Grady L. Johnson, Four Oaks; Karyn C. Kelly, Barnardsville; Tonya D. Larsen, Cary; Erica Luntz, Asheville; Charles Warwick Mauze III, Wilson; Kim Vernon McCumber, Spring Lake; John S. Nelson III, Raleigh; Michael A. Pedde, Durham; Channing Lamar Smith, Stanfield; and Philip Andrew Strand, Spring Lake.

On motion of Senator Basnight, seconded by Senator Page, the Senate adjourns at 8:09 P.M. to meet tomorrow, Tuesday, April 4, at 3:00 P.M.

FORTIETH DAY

SENATE CHAMBER,
Tuesday, April 4, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

An invocation in song is offered by the Reverend Tom Southern, Retired Baptist Minister from Walkertown, as follows:

"Join me as we pray together.

"God is so Good, God is so Good, God is so Good, He's so good to me." (*a cappella*)

Reverend Southern offers a prayer, as follows:

"Eternal God, we, in all truthfulness, must confess You've been so good to us in the State of North Carolina. As we consider others across the nation and around the world, we know how thankful we should be.

"We also believe that those who have been so blessed have a great responsibility. Thus, Lord, we ask today for Your Guidance as matters that involve so many lives are considered.

"Today we remember the people in every District of our State who are represented by those who are assembled here today. May Your Blessings be upon each one in a special way, and also may Your Blessings be upon the loved ones of each one here, whether near or far away.

"We pray for guidance for every leader in our State and our nation, that we may set the example for all other nations on the face of the earth. And help us to always take seriously our motto, 'In God We Trust.'

"We pray with thanksgiving, in Christ's Name. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Sawyer due to hospitalization; to Senator Smith due to illness; and to Senator Odom due to trail of a lawsuit.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, April 3, 1995, has been examined and is found to be correct.

Senator Cochrane offers a motion the Journal be amended to spread the remarks of Judge Stephenson, Senator Basnight, and Senator Page offered yesterday, which motion prevails.

On motion of Senator Basnight, the Senate dispenses with the reading of the Journal and it stands approved, as amended (42–0).

The President of the Senate extends courtesies of the floor to Dr. Bernadette Page of Durham, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 220, an act to provide counties with information to enable them to verify claims for refunds of their local sales and use tax. (Ch. 21)

H.B. 33 (Committee Substitute), an act to increase the annual renewal fee for a real estate license and to require payment of the application fee each time an applicant takes the real estate examination. (Ch. 22)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

S.B. 344, a bill to establish the requirements for certification to teach notary courses, to allow revocation of notarial commissions for notaries who fail to administer oaths or affirmations, and to provide that applicants for recommissioning need not obtain the recommendation of a publicly elected official, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 1612, which changes the title to read **S.B. 344** (Committee Substitute), a bill to establish the requirements for certification to teach notary courses, to allow revocation of notarial commissions for notaries who fail to administer oaths or affirmations, to provide that applicants for recommissioning need not obtain the recommendation of a publicly elected official, and to allow the Secretary of State law enforcement agents to enforce the notary Chapter, is placed before the Senate for immediate consideration.

On motion of Senator Gulley the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, April 6, for further consideration.

S.B. 366, a bill to remove the limitation on funding for the per diem costs of inmates housed out–of–State, with a favorable report.

On motion of Senator Gulley, the bill is re–referred to the **Appropriations Committee**.

By Senator Parnell for the **Commerce Committee:**

S.B. 414, a bill to "opt–in" for interstate branching authority under the Reigle–Neal Interstate Banking and Branching Efficiency Act of 1994, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 7604, which changes the title with a spelling correction to read **S.B. 414** (Committee Substitute), a bill to "opt–in" for interstate branching authority under the Riegle–Neal Interstate Banking and Branching Efficiency Act of 1994, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Committee Substitute bill is adopted and on his further motion is placed on the Calendar for Wednesday, April 5, for further consideration.

S.B. 415, a bill to provide for the merger of banks and savings institutions, with a favorable report.

COMMITTEE REFERRAL RECALL

S.B. 287 (Committee Substitute), a bill to amend the law regarding statutory rape and the age of consent, as written by the **Judiciary I/Constitution Committee** and referred to the **Appropriations Committee** on March 27.

Pursuant to Rule 47(b), Senator Plyler offers a motion the Committee Substitute bill be taken from the **Appropriations Committee** and placed on the Calendar for today as the last order of business, which motions prevail.

The Chair orders the Committee Substitute bill recalled from the **Appropriations Committee** and places it at the end of the Calendar for today, for consideration upon its passage.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Conder, Blackmon, McDaniel, Clark, Hoyle, Ballance, Foxx, Parnell, Soles, Carpenter, Winner, Lucas, Plyler, Carrington, Ballantine, McKoy, Speed, Davis, East, Ledbetter, Webster, Martin of Pitt, Martin of Guilford, Jordan, Sherron, Dannelly, and Edwards:

S.B. 573, a bill to enhance the role of optometrists in medical cost containment through revision of the hospital privileges law, to repeal the requirement for an optometrist to collaborate with a physician in the use or prescription of certain pharmaceutical agents, to establish peer review for optometrists, and to establish an optometrist privilege.

The referral to committee is held under Rule 43.

By Senator Speed:

S.B. 574, a bill to authorize Franklin County to levy facility fees, an additional sales and use tax of one percent, and a two percent real estate transfer tax, subject to approval by the voters of the county, to generate funds for public school capital needs.

Referred to **Finance Committee.**

By Senator Perdue:
S.B. 575, a bill to increase the membership of the Legislative Ethics Committee, to designate committee cochairs from each legislative chamber, and to make conforming changes.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Foxx:
S.B. 576, a bill to authorize Alleghany County to levy a one percent local land transfer tax for public school capital needs, subject to approval by the voters of the County.
Referred to **Finance Committee.**

By Senators Hoyle, Carpenter, Cochrane, Gulley, Perdue, Rand, Soles, Webster, and Cooper:
S.B. 577, a bill to amend the educational requirements for certified public accountants.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Hoyle and Forrester:
S.B. 578, a bill to appropriate funds for capital expenditures at the center for Applied Textile Technology.
Referred to **Appropriations Committee.**

By Senators Hoyle and Davis:
S.B. 579, a bill to authorize the Cleveland County Board of Education to dispose of certain property at private sale.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Plyler and Conder:
S.B. 580, a bill to amend the Charter of the City of Albemarle concerning assessments for street improvements.
Referred to **Finance Committee.**

By Senator Horton (by request):
S.B. 581, a bill to permit the City of Winston–Salem to provide that certain housing code complaints and orders may be served by regular mail in addition to registered or certified mail.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Horton, McDaniel, and Cochrane:
S.B. 582, a bill to permit the City of Winston–Salem to regulate by ordinance the possession of malt beverages and unfortified wine.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Horton, McDaniel, and Cochrane:
S.B. 583, a bill to allow personal representatives of estates in the City of Winston–Salem to expend estate assets to prevent the waste of real property belonging to the estate.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Sherron:

S.B. 584, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University.

Referred to **Appropriations Committee.**

By Senators Ledbetter, Allran, Foxx, Simpson, Ballantine, Horton, Kerr, Soles, Ballance, Clark, McKoy, and Cochrane:

S.B. 585, a bill to expedite execution of judgments against the property of the judgment debtor.

Referred to **Judiciary I/Constitution Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 167, a bill to allow counties not to bill for certain property taxes when the amount due on the tax bill is less than the cost of preparing and sending the bill, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 167** (House Committee Substitute), a bill to allow counties not to bill for property taxes on certain vehicles when the amount due on the tax bill is less than the cost of preparing and sending the bill, which is placed on the Calendar for tomorrow, Wednesday, April 5, for concurrence.

H.B. 137, a bill to modify the membership of the Rockingham Tourism Development Authority.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 212, a bill to authorize the City of Greensboro to use the single-prime contract system for the expansion of sewage treatment facilities.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 214, a bill to revise and consolidate the Charter of the Town of Tarboro.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 312, a bill to permit Chimney Rock Village to hold certain ABC elections.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 401, a bill to retain certified law enforcement officers for the State Museum of Art.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 509, a bill to rotate party alignment on the ballot.

Referred to **Judiciary II/Election Laws Committee.**

COMMITTEE REFERRAL RECALL

H.B. 9 (Committee Substitute), a bill to expedite the postconviction process in North Carolina, referred to the **Judiciary I/Constitution Committee** on Monday, April 3.

Senator Rand offers a motion the rules be suspended to the end the Committee Substitute bill be taken from the **Judiciary I/Constitution Committee** and re–referred to the **Judiciary II/Election Laws Committee**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Judiciary I/ Constitution Committee** and refers the measure to the **Judiciary II/Election Laws Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 377 (Committee Substitute), a bill to transfer to the Charlotte Department of Transportation the authority to approve changes to street names within that City.

The Committee Substitute bill passes its second (47–0) and third readings and is ordered enrolled.

S.B. 24 (Committee Substitute), a bill to refocus the school testing program on the basics.

The Committee Substitute bill passes its second (45–1) and third readings and is ordered sent to the House of Representatives.

S.B. 259 (Committee Substitute), a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense and to protect merchants and peace officers from civil liability for detention or arrest of persons accused of larceny.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (44–3).

The Committee Substitute bill, as amended, passes its second reading (46–0).

Senator Kerr objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Wednesday, April 5, for further consideration upon third reading.

S.B. 287 (Committee Substitute), a bill to amend the law regarding statutory rape and the age of consent, recalled from the **Appropriations Committee** and placed earlier today on the Calendar.

Senator McKoy offers a motion to the end that the measure be removed from today's Calendar and placed on the Calendar for tomorrow, Wednesday, April 5. Following debate, Senator McKoy offers a substitute motion to the end the question of passage on second reading be taken to allow his objection to third reading, which motion the Chair rules out of order. Senator McKoy subsequently withdraws his motion to postpone consideration until tomorrow.

S.B. 83, a bill to enact the Uniform Statutory Rule Against Perpetuities, as recommended by the General Statutes Commission, upon third reading.

The bill passes its third reading (46–1) and is ordered sent to the House of Representatives.

S.B. 84, a bill to place time limits on options in gross and other interests in land, as recommended by the General Statutes Commission, upon third reading.

On motion of Senator Hartsell, consideration of the bill is postponed until Tuesday, April 11.

S.B. 357, a bill to exempt the Department of Transportation from the requirement of making quarterly reports of mileage of State vehicles assigned to the Department and to allow assignments of vehicles to the Department to be revoked only when the Department consents, upon third reading.

The bill passes its third reading (44–3) and is ordered sent to the House of Representatives.

S.B. 287 (Committee Substitute), a bill to amend the law regarding statutory rape and the age of consent, placed on the Calendar earlier today.

Following lengthy debate, the Committee Substitute bill passes its second reading (40–6).

Senator Webster objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Wednesday, April 5, for further consideration upon third reading.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator McKoy.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 399, a bill to amend the definition of podiatry, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 7606 is placed before the Senate for immediate consideration, and on his further motion is adopted.

The Committee Substitute bill is placed on the Calendar for Wednesday, April 5, for further consideration.

REPORTS TO GENERAL ASSEMBLY

Commissions and Agencies directed to report to the General Assembly submit reports (*See Addendum*) which are referred to the **Appropriations Committee**, as follows:

Pursuant to G.S. 158–8.3(e)(5), the Southeastern North Carolina Regional Economic Development Commission submits its Report to the General Assembly of the State of North Carolina; and

Pursuant to G.S. 158–8.1(e)(5), the Western North Carolina Regional Economic Development Commission submits its Annual Report; and

Pursuant to G.S. 158–8.2(f)(4), the Northeastern North Carolina Regional Economic Development Commission submits its Report to the General Assembly of the State of North Carolina; and

Pursuant to Chapter 772 of the 1993 Session Laws, the North Carolina Department of Human Resources submits the Natural Heritage Trust Fund 1994 Annual Report; and

Pursuant to Chapter 769, Sec. 19(a)(b) of the 1993 Session Laws, the North Carolina Department of Public Instruction submits its Reports on Salaries for Noncertified Public School Employees.

COMMITTEE APPOINTMENT

The President *Pro Tempore* announces a change in assignments to Standing Committees, as follows:

JUDICIARY I/CONSTITUTION

Senator Hobbs is appointed.

On motion of Senator Basnight, seconded by Senator East, the Senate adjourns at 4:17 P.M. to meet tomorrow, Wednesday, April 5, at 3:00 P.M.

FORTY-FIRST DAY

SENATE CHAMBER,
Wednesday, April 5, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Most Gracious God, as the work days here grow longer for the Senators and staff, may the words penned by Edgar Guest be a source of encouragement to them.

Who does their tasks from day to day
And meets whatever comes their way,
Believing God has willed it so,
Has found real greatness here below.

"And so, O Lord, whether their tasks seem great or small, we pray that You will give Your Servants strong bodies and clear minds so that they may present themselves to You as workers who have acquitted themselves well, rightly handling the Word of Truth. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Sawyer due to illness; to Senator Smith due to hospitalization; to Senator Odom for trial of a lawsuit; and to Senator Cooper trying a case in Halifax County.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, April 4, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (43–0).

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 377 (Committee Substitute), an act to transfer to the Charlotte Department of Transportation the authority to approve changes to street names within that City. (Ch. 23)

Senator Rand offers a motion that the rules be suspended to the end the deadline for filing local bills by Senator Page be extended until Tuesday, April 18, which motion prevails with unanimous consent.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

H.B. 2, a bill to reduce income taxes for the working people of North Carolina by increasing the personal exemption deduction by five hundred dollars and by allowing a tax credit of fifty dollars per dependent child, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill 6105, which changes the title, upon concurrence, to read **H.B. 2** (Senate Committee Substitute), a bill to reduce income taxes for the lower and middle–income people of North Carolina by increasing the personal exemption deduction by five hundred dollars and by allowing a tax credit of sixty dollars per dependent child, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, April 6, for further consideration.

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 294, a bill to limit the issuance and renewal of barber certificates, permits, and licenses, to establish late fees for expired certificates and to make certain revisions to the law governing the Board of Barber Examiners and the sanitary rules, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lucas, the rules are suspended, and the proposed Committee Substitute bill 5588, which changes the title to read **S.B. 294** (Committee Substitute), a bill to limit the issuance and renewal of barber

certificates, permits, and licenses, to establish late fees for expired certificates, to make certain revisions to the law governing the Board of Barber Examiners and the sanitary rules, and to make conforming changes to the Cosmetic Art Act, is placed before the Senate for immediate consideration.

On motion of Senator Lucas, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee.**

By Senator Jordan for the **Local Government and Regional Affairs Committee:**

H.B. 206, a bill to incorporate the Village of Flat Rock, subject to a referendum, with a favorable report.

Pursuant to Rule 43, the bill is referred to the **Finance Committee.**

H.B. 188, a bill to extend to the City of Lumberton provisions of a local act which provide that service in housing code cases is sufficient when a regular letter is sent out along with a registered or certified letter, and the regular letter is not returned, but the registered or certified mail is unclaimed or refused, with a favorable report.

H.B. 313, a bill to amend the Charter of the City of Mount Airy to change from partisan to nonpartisan the method of electing the Mayor and Board of Commissioners, with a favorable report.

H.B. 317, a bill relating to elections of the City of Winston–Salem and the County of Forsyth so that the general law will apply on sharing of costs of the County Board of Elections, with a favorable report.

S.B. 375, a bill to enlarge the membership of the Stanly County Economic Development Commission, with a favorable report.

S.B. 384, a bill relating to pyrotechnics in the City of Winston–Salem, with a favorable report.

S.B. 523, a bill to allow Central Carolina Community College to lease certain property to the Chatham County Council on Aging, with a favorable report.

Senator Hobbs offers a motion that the rules be suspended to the end the measure be placed on the Calendar for today, which motion prevails. The Chair orders the bill placed at the beginning of today's Calendar.

H.B. 211, a bill amending the Charter of the City of Greensboro to authorize the City Council to require owners of rental property within the City to authorize an agent to accept service of process, with a favorable report, as amended.

H.B. 373, a bill to prohibit the running of deer by dogs in the Town of Southern Shores, with a favorable report, as amended.

S.B. 507, a bill to amend the Charter of the City of Durham to permit the City Council to specially assess benefited property for the cost of extending water and sewer lines to property located outside of the city limits when requested by the

Board of Commissioners of Durham County without the necessity of a petition for such improvements being submitted, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the bill, as amended, engrossed and re-referred to the **Finance Committee**, pursuant to Rule 43.

H.B. 115 (Committee Substitute), a bill to modify the appointment of the Halifax ABC Board and to provide that distribution of revenue shall be according to General Statute, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Jordan, the rules are suspended, and the proposed Senate Committee Substitute bill 4106 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Chair orders the measure placed on the Calendar for Thursday, April 6, for further consideration.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Hartsell:

S.B. 586, a bill to reduce reliance on debt for public school construction in Cabarrus County by authorizing the County to levy a temporary sales and use tax of one percent, if approved by the voters of the County, for public school construction.

Referred to **Finance Committee.**

By Senator Hartsell:

S.B. 587, a bill relating to Cabarrus County and to cities and school administrative units located wholly or partly in Cabarrus County.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Hartsell:

S.B. 588, a bill relating to Cabarrus County and to cities and school administrative units located wholly or partly in Cabarrus County.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Hartsell:

S.B. 589, a bill relating to Cabarrus County and to cities and school administrative units located wholly or partly in Cabarrus County.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Hartsell:

S.B. 590, a bill to make technical corrections and conforming changes to the General Statutes and Session Laws as recommended by the General Statutes Commission.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Kincaid and McDaniel:

S.B. 591, a bill to provide that insurance agents and brokers who have been licensed for three years or more must comply with continuing education requirements every two years rather than once a year.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Edwards and Rand:

S.B. 592, a bill to modify the provisions of the Charter of the City of Fayetteville concerning fair housing.

Referred to **Local Government and Regional Affairs Committee.**

REFERRAL TO COMMITTEE

S.B. 27 (House Committee Substitute), a bill to repeal the prison population cap, to raise the limit on prison capacity, to authorize the parole of nonviolent inmates, to authorize certain contracts for the housing of State prisoners in local confinement facilities, to allow for the contracting of private prisons, to remove the limit on prisoners who may be housed in non–state owned facilities, to remove the sunset on contracts with out–of–state public correctional facilities, and to allow the Department to use available funds to provide additional prison beds and employ necessary staff, received for concurrence and ordered held in the Office of the Principal Clerk for referral to committee on March 20.

Senator Rand offers a motion that the rules be suspended to the end the House Committee Substitute bill be referred to the **Appropriations Committee.**

With unanimous consent, the motion prevails and the Chair rescinds his order of March 20, and orders the House Committee Substitute bill recalled from the Principal Clerk's Office and re–referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 65 (Committee Substitute), a bill to require the display of the United States flag in every public school classroom, to encourage the display of the North Carolina flag in every public school classroom, to require students in the public schools to recite the pledge of allegiance every day, to encourage the display of the United States and North Carolina flags and the recitation of the pledge of allegiance in private schools and home schools, and to encourage donations of flags to be displayed in every public school classroom.

Referred to **Education/Higher Education Committee.**

H.B. 207 (Committee Substitute), a bill to make it a felony offense to solicit a child by means of computer to commit an unlawful sex act.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 208 (Committee Substitute), a bill to allow Edgecombe, Greene, Jackson and Madison Counties to acquire property for use by their county boards of education.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 235, a bill to make technical and clarifying changes to laws concerning the School Administrator Standards Board and to extend to 1998 the date for implementation of the Standards Board Exam.

Referred to **Education/Higher Education Committee.**

H.B. 330 (Committee Substitute), a bill to authorize the City of Winston–Salem, the City of Gastonia, and the City of Fayetteville to require owners of rental property in those Cities to authorize an agent to accept service of process, and to clarify the authority of the Cities of Durham and Asheville to do the same.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 423, a bill to provide for the distribution of copies of certain publications to the State Personnel Commission and to the Office of State Personnel.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 523, a bill to allow Central Carolina Community College to lease certain property to the Chatham County Council on Aging, placed earlier today on the Calendar upon its passage, upon a favorable report from the **Local Government and Regional Affairs Committeee.**

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 399 (Committee Substitute), a bill to amend the definition of podiatry.

The Committee Substitute bill passes its second reading (40–6).

Senator Kerr objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, April 6, for further consideration upon third reading.

S.B. 414 (Committee Substitute), a bill to "opt–in" for interstate branching authority under the Riegle–Neal Interstate Banking and Branching Efficiency Act of 1994.

The Committee Substitute bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives.

S.B. 415, a bill to provide for the merger of banks and savings institutions.

The bill passes its second reading (44–1).

Senator Rand objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, April 6, for further consideration upon third reading.

S.B. 259 (Committee Substitute), a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense and to protect merchants and peace officers from civil liability for detention or arrest of persons accused of larceny, as amended, upon third reading.

Senator Soles offers Amendment No. 2.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, *who presides.*

Following debate, Amendment No. 2 is adopted (32–13).

Senator Simpson offers Amendment No. 3.

Following explanation of Amendment No. 3, the Chair rules a motion to reconsider the adoption of Amendment No. 2 in order to consider Amendment No. 3.

Senator Simpson offers a motion to withdraw Amendment No. 3 and offers a further motion to take the Committee Substitute bill, as amended, from today's Calendar and place it on the Calendar for tomorrow, Thursday, April 6, for further consideration upon its passage. The Chair rules Amendment No. 3 out of order. The motion of Senator Simpson to place the Committee Substitute bill, as amended, on the Calendar for tomorrow prevails (40–4).

Senator Kincaid offers a motion the Committee Substitute bill, as amended, be taken from the Calendar for Thursday, April 6, and placed on the Calendar for Monday, April 10, for further consideration upon third reading, which motions prevail with unanimous consent.

The President Pro Tempore *relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.*

S.B. 287 (Committee Substitute), a bill to amend the law regarding statutory rape and the age of consent, upon third reading.

On motion of Senator Allran, consideration of the Committee Substitute bill is postponed until Tuesday, April 11.

WITHDRAWAL FROM CALENDAR

S.B. 259 (Committee Substitute), a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense and to protect merchants and peace officers from civil liability for detention or arrest of persons accused of larceny, as amended, upon third reading, placed on the Calendar for Monday, April 10, earlier today.

Senator Soles offers a motion the Committee Substitute bill, as amended, be taken from the Calendar for Monday, April 10, and placed on the Calendar for Wednesday, April 12, for further consideration upon third reading, which motions prevail with unanimous consent.

CALENDAR (Continued)

S.B. 167, a bill to allow counties not to bill for certain property taxes when the amount due on the tax bill is less than the cost of preparing and sending the bill, for concurrence in the House Committee Substitute bill which changes the title, upon concurrence, to read **S.B. 167** (House Committee Substitute), a bill to allow counties not to bill for property taxes on certain vehicles when the amount due on the tax bill is less than the cost of preparing and sending the bill.

The Chair holds the House Committee Substitute bill not a material amendment and rules it does not require a call of the roll.

The Senate concurs in the House Committee Substitute bill (44–0) and the measure is ordered enrolled.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plexico for the **Education/Higher Education Committee:**

S.B. 453, a bill to make changes in the Prospective Teachers Scholarship Loan Program, with a favorable report.

S.B. 321, a bill authorizing the State Board of Education to adopt eligibility rules for interscholastic athletic competition, with a favorable report.

REMOVAL OF SPONSOR

S.B. 468, a bill to provide that the board of commissioners of any county having a county manager may assume direct control of any activities theretofore conducted by or through any commission, board, or agency appointed by the county commissioners or acting under and pursuant to authority of the board of county commissioners.

Senator Carpenter requests to remove his endorsement, which request is granted with unanimous consent.

APPOINTMENT BY THE GOVERNOR

The President of the Senate directs the Reading Clerk to read, as follows:

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27603–8001

April 4, 1995

The Honorable Marc Basnight
Senate President *Pro Tempore*
2007 Legislative Building
Raleigh, NC 27601

Dear Mr. President Pro Tem:

Pursuant to General Statute 115C–10–11, I hereby appoint Lowell Thomas as a member of the North Carolina State Board of Education and submit his name for confirmation by the North Carolina General Assembly.

Mr. Thomas will replace Howard Haworth as the Region Seven representative. He will serve a term to begin immediately and to expire March 31, 2003.

Biographical information on Mr. Thomas is enclosed. Please feel free to contact him if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
Governor

Referred to **Education/Higher Education Committee.**

EXECUTIVE ORDER

An Executive Order received (*See Appendix*) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 76, North Carolina Motor Carrier Advisory Committee.
Referred to **Rules and Operation of the Senate Committee.**

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 769, Sec. 25.34(b) of the 1993 Session Laws, The North Carolina Department of Human Resources submits its report – Providing Subsidized Day Care for More Eligible Children in North Carolina.

On motion of Senator Soles, seconded by Senator Kerr, the Senate adjourns at 4:31 P.M. to meet tomorrow, Thursday, April 6, at 3:00 P.M.

FORTY-SECOND DAY

SENATE CHAMBER,
Thursday, April 6, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Lord our God, in the very important matters debated by the Senate today, sharpen our vision and adjust our focus, otherwise we might mistake small things for great; otherwise we might confuse the temporary with the eternal; otherwise we might believe that faith is just a matter of having all the right answers.

"Be Thou Present to make this a productive and holy time, transforming what may seem purely secular to be truly Your Kingdom's Business. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization; to Senator Sawyer due to illness; and to Senator Cooper trying a case in Halifax County.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, April 5, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Culley C. Carson of Chapel Hill, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 167 (House Committee Substitute), an act to allow counties not to bill for property taxes on certain vehicles when the amount due on the tax bill is less than the cost of preparing and sending the bill. (Ch. 24)

S.B. 286, an act to require laboratories to perform composite testing of water samples as part of the laboratory certification program in an effort to reduce costs of water tests. (Ch. 25)

S.B. 333 (Committee Substitute), an act to authorize the addition of Run Hill State Natural Area to the State Parks System. (Ch. 26)

H.B. 161 (Senate Committee Substitute), an act to provide the public with access to low-cost telecommunications service in a changing competitive environment. (Ch. 27)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles, Vice Chairman, for the **Judiciary I/Constitution Committee**:

S.B. 416, a bill to revise the provision of the Juvenile Code governing the authority of medical professionals to conform to the revised definition of abuse, with a favorable report.

S.B. 223 (Committee Substitute), a bill to authorize criminal record checks of public school employees, with an unfavorable report as to Committee Substitute bill as rewritten by **Judiciary I/Constitution Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill No. 2, 8583, is placed before the Senate for immediate consideration and on his further motion is adopted.

On motion of Senator Soles, the Committee Substitute bill No. 2 is placed on the Calendar for Monday, April 10, for further consideration.

By Senator Jordan for the **Local Government and Regional Affairs Committee**:

H.B. 145 (Committee Substitute), a bill to revise and consolidate the Charter of the City of Roanoke Rapids, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Conder, Plyler, and Kincaid:
S.B. 593, a bill to allow alternative investments of irrevocable preneed funeral contract funds.
Referred to **Pensions and Retirement/Insurance/State Personnel Committee**.

By Senators Cooper and Hartsell:
S.B. 594, a bill to repeal the sunset for the mediation program for the Industrial Commission.
Referred to **Judiciary I/Constitution Committee**.

By Senators Cooper, Martin of Guilford, Warren, Winner, Gulley, Dannelly, Hoyle, and Martin of Pitt:
S.B. 595, a bill to establish certification for persons performing lead abatement.
Referred to **Children and Human Resources Committee**, and upon a favorable report, re-referred to **Finance Committee**.

By Senator Kerr:
S.B. 596, a bill to appropriate funds for a forestry geneticist position at North Carolina State University, College of Forest Resources.
Referred to **Appropriations Committee**.

By Senators Kerr and Hoyle:
S.B. 597, a bill to provide that a defendant who is convicted of a drug trafficking conspiracy is not eligible for intermediate sanctions under the structured sentencing act.
Referred to **Judiciary II/Election Laws Committee**.

By Senators Plyler and Conder:
S.B. 598, a bill to enact local legislation for Scotland County.
Referred to **Rules and Operation of the Senate Committee**.

By Senators Plyler and Conder:
S.B. 599, a bill pertaining to the County of Scotland.
Referred to **Rules and Operation of the Senate Committee**.

By Senators Plyler and Conder:
S.B. 600, a bill to provide staggered four-year terms for members of the Stanly County Board of Commissioners.
Referred to **Local Government and Regional Affairs Committee**.

By Senators Foxx (by request) and Horton:
S.B. 601, a bill to allow absentee voting conducted by the Blowing Rock Municipal Board of Elections.
Referred to **Judiciary II/Election Laws Committee**.

By Senators Foxx and Martin of Pitt:
S.B. 602, a bill to incorporate the Town of Foscoe–Grandfather.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to **Finance Committee**.

By Senator Soles:
S.B. 603, a bill to clarify and make uniform the laws regarding the sale and distribution of tobacco products to persons less than eighteen years old.
Referred to **Judiciary I/Constitution Committee**.

By Senator McDaniel:
S.B. 604, a bill to allow the Forsyth County Jail to house juveniles on a separate floor.
Referred to **Judiciary I/Constitution Committee**.

By Senator McDaniel:
S.B. 605, a bill to provide that the City of Winston–Salem may regulate the possession of open containers of alcoholic beverages on public property.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Sherron:
S.B. 606, a bill to provide for the creation of facility authorities and to establish the Centennial Authority.
Referred to **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 413 (Committee Substitute), a bill to amend the definition of "licensable facility" in the mental health law.
Referred to **Children and Human Resources Committee.**

H.B. 591, a bill to change the manner of election of the Stokes County Board of Education to nonpartisan election at the time of the general election, and to provide that each election, two persons shall be elected for four–year terms and one person shall be elected to a two–year term.
Referred to **Local Government and Regional Affairs Committee**.

H.B. 598, a bill to revise Pender County Commissioner Districts.
Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 384, a bill relating to pyrotechnics in the City of Winston-Salem.

With unanimous consent, the bill is taken up out of its regular order of business and on motion of Senator McDaniel, consideration of the bill upon its passage is postponed until Tuesday, April 11.

S.B. 375, a bill to enlarge the membership of the Stanly County Economic Development Commission.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 115 (Senate Committee Substitute), a bill to modify the appointment of the Halifax ABC Board and to provide that distribution of revenue shall be according to General Statute.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 188, a bill to extend to the City of Lumberton provisions of a local act which provide that service in housing code cases is sufficient when a regular letter is sent out along with a registered or certified letter, and the regular letter is not returned, but the registered or certified mail is unclaimed or refused.

The bill passes its second and third readings and is ordered enrolled.

H.B. 211, a bill amending the Charter of the City of Greensboro to authorize the City Council to require owners of rental property within the City to authorize an agent to accept service of process.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 313, a bill to amend the Charter of the City of Mount Airy to change from partisan to nonpartisan the method of electing the Mayor and Board of Commissioners.

The bill passes its second and third readings and is ordered enrolled.

H.B. 317, a bill relating to elections of the City of Winston-Salem and the County of Forsyth so that the general law will apply on sharing of costs of the County Board of Elections.

The bill passes its second and third readings and is ordered enrolled.

H.B. 373, a bill to prohibit the running of deer by dogs in the Town of Southern Shores.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 373**, a bill to prohibit the running of deer by dogs in the Town of Southern Shores and to prohibit the taking of deer with dogs in a portion of Richmond County.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 321, a bill authorizing the State Board of Education to adopt eligibility rules for interscholastic athletic competition.

The bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives.

S.B. 344 (Committee Substitute), a bill to establish the requirements for certification to teach notary courses, to allow revocation of notarial commissions for notaries who fail to administer oaths or affirmations, to provide that applicants for recommissioning need not obtain the recommendation of a publicly elected official, and to allow the Secretary of State law enforcement agents to enforce the notary Chapter.

The Committee Substitute bill passes its second reading (44–2).

Senator Odom objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, April 10, for further consideration upon third reading.

S.B. 430, a bill to modify the investment authority of a bank under the banking laws.

The bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives.

S.B. 453, a bill to make changes in the Prospective Teachers Scholarship Loan Program.

The bill passes its second (44–2) and third readings and is ordered sent to the House of Representatives.

S.B. 482, a bill to make certain miscellaneous amendments to the banking laws.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

S.B. 344 (Committee Substitute), a bill to establish the requirements for certification to teach notary courses, to allow revocation of notarial commissions for notaries who fail to administer oaths or affirmations, to provide that applicants for recommissioning need not obtain the recommendation of a publicly elected official, and to allow the Secretary of State law enforcement agents to enforce the notary Chapter, placed earlier today on the Calendar for Monday, April 10, upon third reading.

With unanimous consent, Senator Odom withdraws his objection to third reading, the Senate reconsiders and the bill is taken from the Calendar for Monday, April 10, and placed before the Senate for further consideration upon third reading.

The bill passes its third reading (44–1) and is ordered sent to the House of Representatives.

RECONSIDERATION

S.B. 453, a bill to make changes in the Prospective Teachers Scholarship Loan Program, which passed its third reading earlier today.

Senator Lucas offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion prevails, and the question reverts to passage of the measure upon third reading.

On motion of Senator Lucas, without objection, the bill is placed on the Calendar for Monday, April 10, for further consideration upon third reading.

CALENDAR (Continued)

H.B. 2 (Senate Committee Substitute), a bill to reduce income taxes for the lower and middle-income people of North Carolina by increasing the personal exemption deduction by five hundred dollars and by allowing a tax credit of sixty dollars per dependent child.

Senator Webster offers Amendment No. 1 which proposes to rewrite the Senate Committee Substitute bill in its entirety and change the title to read **H.B. 2** (Senate Committee Substitute), a bill to reduce income taxes for the working people of North Carolina by increasing the personal exemption deduction by five hundred dollars and by allowing a tax credit of fifty dollars per dependent child.

Following lengthy debate, Amendment No. 1 fails of adoption (21–25).

Senator Cochrane rises to a point of order as to a fiscal note attached to the Senate Committee Substitute bill.

The Chair rules the jacket contains no fiscal note and upon motion of Senator Kerr, the Senate Committee Substitute bill is temporarily displaced.

The Chair declares the voting equipment inoperative.

S.B. 399 (Committee Substitute), a bill to amend the definition of podiatry, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

Senator Odom requests to be recorded voting "no."

COMMITTEE REFERRAL

S.B. 573, a bill to enhance the role of optometrists in medical cost containment through revision of the hospital privileges law, to repeal the requirement for an optometrist to collaborate with a physician in the use or prescription of certain pharmaceutical agents, to establish peer review for optometrists, and to establish an optometrist privilege, ordered held for referral to committee in the Principal Clerk's Office on April 4.

Senator Rand offers a motion to the end the bill be recalled from the Principal Clerk's Office and referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair recalls the bill from the Office of the Principal Clerk and refers the measure to the **Commerce Committee**.

CALENDAR (Continued)

S.B. 415, a bill to provide for the merger of banks and savings institutions, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 30, a bill to authorize the Secretary of Correction to enter long–term contracts for the confinement of State prisoners in county facilities, with a favorable report.

S.B. 31, a bill to allow for the contracting of private prisons, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 1622 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Gulley, the Committee Substitute bill is placed on the Calendar for Monday, April 10, for further consideration.

S.B. 156, a bill to provide that firefighters and emergency medical service personnel may possess or carry weapons on school grounds when discharging their official duties, with a favorable report, as amended.

REMOVAL OF ENDORSEMENT

S.B. 468, a bill to provide that the board of commissioners of any county having a county manager may assume direct control of any activities theretofore conducted by or through any commission, board, or agency appointed by the county commissioners or acting under and pursuant to authority of the board of county commissioners.

Senator Kincaid requests to remove his endorsement, which request is granted with unanimous consent.

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (*See Addendum*) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 761 (Sec.120) of the 1983 Session Laws, the North Carolina Department of Environment, Health and Natural Resources submits its Report on the Forest Development Program.

CALENDAR (Continued)

The Chair announces the voting equipment is operative.

H.B. 2 (Senate Committee Substitute), a bill to reduce income taxes for the lower and middle–income people of North Carolina by increasing the personal exemption deduction by five hundred dollars and by allowing a tax credit of sixty dollars per dependent child, temporarily displaced earlier.

Senator Kerr submits a fiscal note to the Senate Committee Substitute bill.

The Senate Committee Substitute bill passes its second (43–1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

On motion of Senator Basnight, seconded by Senator Albertson, the Senate adjourns at 4:48 P.M. to meet Monday, April 10, at 7:00 P.M.

FORTY–THIRD DAY

SENATE CHAMBER,
Monday, April 10, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend J. Clyde Plexico, Jr. of Westminster Presbyterian Church in Asheville, the father of Senator Clark Plexico, as follows:

"Our Father, as we stand in Your Presence with great awe and adoration for Your creative and sustaining Power, we bow in humility as we think of those who serve this Senate and this State, with a Senator's courage. So we are aware of You, O God, and of those who have served before us in this place. Grant the Senators who sit here today the courage to stand up for their convictions and for those things they know to be right. Help them to receive from You and from those who went before them the power of right thinking and the strength of good governing. This prayer we pray in the full assurance that You do hear and answer prayer. Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Sawyer due to illness; to Senator Smith due to hospitalization; to Senator Simpson for personal reasons; and to Senator Edwards.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, April 6, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (45–0).

The President of the Senate extends courtesies of the floor to Dr. Paul E. Casinelli of Fayetteville, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 207, an act to modify the bond requirements for public utilities providing water or sewer services as recommended by the Joint Legislative Utility Review Committee. (Ch. 28)

H.B. 188, an act to extend to the City of Lumberton provisions of a local act which provide that service in housing code cases is sufficient when a regular letter is sent out along with a registered or certified letter, and the regular letter is not returned, but the registered or certified mail is unclaimed or refused. (Ch. 29)

H.B. 313, an act to amend the Charter of the City of Mount Airy to change from partisan to nonpartisan the method of electing the Mayor and Board of Commissioners. (Ch. 30)

H.B. 317, an act relating to elections of the City of Winston–Salem and the County of Forsyth so that the general law will apply on sharing of costs of the County Board of Elections. (Ch. 31)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Warren, Conder, Edwards, Parnell, Martin of Pitt, Carpenter, Lucas, Gulley, Martin of Guilford, Sherron, Shaw, Carrington, Speed, Simpson, Horton, Clark, McKoy, Ledbetter, Jordan, Plexico, East, Hoyle, and Dannelly:

S.B. 607, a bill to require the University of North Carolina and North Carolina State University to play East Carolina University in football.

Referred to **Education/Higher Education Committee.**

By Senators Perdue and Shaw:

S.B. 608, a bill to create the North Carolina Progress Board.

Referred to **Commerce Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Rand:

S.B. 609, a bill relating to the City of Fayetteville.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Rand:

S.B. 610, a bill to redefine service for purposes of longevity pay for public defenders.

Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 611, a bill relating to the City of Fayetteville.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Sherron:

S.B. 612, a bill to provide that the time for compliance for sprinkler systems shall be twelve years rather than five years.

Referred to **Commerce Committee.**

By Senator Rand:

S.B. 613, a bill relating to the City of Fayetteville.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Martin of Pitt and Warren:

S.B. 614, a bill to abolish the Public Defender's Office in District 3A.

The measure is ordered held in the Office of the Principal Clerk pending referral to committee pursuant to Rule 43.

By Senators Forrester, Hoyle, and Odom:

S.B. 615, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources to provide vaccine for immunizing children against chicken pox.

Referred to **Appropriations Committee.**

By Senator Shaw:

S.B. 616, a bill to make it a felony to maim, to seriously injure, or to kill a law–enforcement animal.

Referred to **Judiciary I/Constitution Committee.**

By Senators Ballantine, Carrington, Shaw, Ledbetter, McKoy, Clark, Foxx, Forrester, Webster, and Carpenter:

S.B. 617, a bill to extend the right of trial by jury to annexation actions.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Allran:

S.B. 618, a bill relating to the employment preference given by Catawba County to veterans who apply for County employment.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Lucas, Edwards, Gulley, and Jordan:

S.B. 619, a bill to appropriate funds for facilities for Head Start programs.

Referred to **Appropriations Committee.**

By Senators Lucas, Gulley, Jordan, and Edwards:

S.B. 620, a bill to appropriate funds for Head Start wrap–around programs.

Referred to **Appropriations Committee.**

By Senators Lucas, Ballance, Gulley, and Jordan:

S.B. 621, a bill to appropriate funds to Durham Community Home of Recovery Incorporated to fund a substance abuse half–way house for adult women in Durham County.

Referred to **Appropriations Committee.**

By Senators Lucas, Edwards, Gulley, and Jordan:

S.B. 622, a bill to appropriate funds to the Department of Correction to provide for the housing of inmates in a substance abuse half–way house for adult males.

Referred to **Appropriations Committee.**

By Senator Jordan:

S.B. 623, a bill to appropriate funds to support local mosquito control districts and other units of local government engaged in mosquito control.

Referred to **Appropriations Committee.**

By Senators Ballance and Sherron:

S.B. 624, a bill to provide for a binding referendum on the establishment of a North Carolina State Lottery Commission.

Referred to **Finance Committee.**

By Senators Ballantine, Kerr, Carrington, Blackmon, Clark, Shaw, Foxx, McKoy, Ledbetter, McDaniel, Kincaid, Forrester, Little, East, Davis, Webster, Carpenter, Hartsell, Allran, Simpson, Cochrane, Page, Sherron, Albertson, Odom, and Conder:

S.B. 625, a bill to provide that a person who sells, manufactures, delivers, transports, or possesses ten pounds or more of marijuana is guilty of trafficking in marijuana.

Referred to **Judiciary I/Constitution Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 265, a bill to establish a season for hunting foxes with firearms and bow and arrow in Caldwell County, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence to read **S.B. 265** (House Committee Substitute), a bill to add Caldwell County to the areas covered by the statewide fox management plan, which is placed on the Calendar for tomorrow, Tuesday, April 11, for concurrence.

H.B. 15, a bill to establish State policy regarding the construction of prisons.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 81, a bill to require mandatory active jail sentences for persons convicted of driving while impaired with blood alcohol levels of more than fifteen hundredths percent.

Referred to **Judiciary I/Constitution Committee.**

H.B. 239 (Committee Substitute), a bill to allow Currituck and Union Counties to acquire property for use by the County Board of Education.

Referred to **Judicial II/Election Laws Committee.**

H.B. 353 (Committee Substitute), a bill to implement the recommendations of the Governor's Task Force on Driving While Impaired.

Referred to **Judiciary I/Constitution Committee.**

H.B. 383, a bill clarifying that the Dare County Board of Commissioners levy taxes on behalf of the Duck Area Beautification District, which is a special district established under Article VII of the Constitution, not a special tax area.

Referred to **Finance Committee.**

H.B. 464, a bill to remove from the corporate limits of the Town of Hope Mills a described territory.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 493, a bill to repeal a local act modifying the vote required for private sale of property by the City of Greensboro for public purposes.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 517, a bill to amend the law prohibiting the discharge of firearms on registered land in Vance County by providing for registration at any time and by eliminating the requirement that registration be renewed annually.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

H.B. 519, a bill to allow the trapping and killing of red wolves by owners of private land in Beaufort County.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 592, a bill to amend the law prohibiting the discharge of firearms on registered land in Granville County by providing for registration at any time, by eliminating the requirement that registration be renewed annually, and by providing that a registrant must furnish the posted notices required to comply with the law.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to **Finance Committee.**

H.B. 647, a bill to allow recall of the Mayor and Board of Commissioners of the Town of Aberdeen.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 145 (Committee Substitute), a bill to revise and consolidate the Charter of the City of Roanoke Rapids, upon second reading.

With unanimous consent, on motion of Senator Ballance, consideration of the bill is postponed until Tuesday, April 11.

S.B. 31 (Committee Substitute), a bill to allow for the contracting of private prisons.

With unanimous consent, the Committee Substitute bill is taken up out of its regular order of business and, on motion of Senator Parnell, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

S.B. 30, a bill to authorize the Secretary of Correction to enter long–term contracts for the confinement of State prisoners in county facilities.

With unanimous consent, on motion of Senator Odom, the bill is re–referred to the **Appropriations Committee.**

Upon the appearance of Senator Sawyer in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.B. 156, a bill to provide that firefighters and emergency medical service personnel may possess or carry weapons on school grounds when discharging their official duties.

With unanimous consent, on motion of Senator Perdue, consideration of the bill is postponed until Tuesday, April 11.

S.B. 416, a bill to revise the provision of the Juvenile Code governing the authority of medical professionals to conform to the revised definition of abuse.

The bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives.

S.B. 223 (Committee Substitute No. 2), a bill to authorize criminal record checks of public school employees, upon third reading.

The Chair rules the Committee Substitute bill No. 2, as written by the **Judiciary I/Constitution Committee**, a substitute amendment for pending Amendment No. 1 offered to the measure upon third reading on March 15, and, consequently, the measure is before the Senate upon third reading.

The Committee Substitute bill No. 2 passes its third reading (47–0) and is ordered sent to the House of Representatives.

S.B. 453, a bill to make changes in the Prospective Teachers Scholarship Loan Program, upon third reading.

Senator Lucas offers Amendment No. 1 which is adopted (46–0).

The bill, as amended, passes its third reading (46–0) and is ordered engrossed and sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution which is read the first time and disposed of, as follows:

H.J.R. 501, a joint resolution honoring the life and memory of the late James Marshall Hall, former member of the General Assembly.

On motion of Senator East, without objection, the rules are suspended to the end the joint resolution is placed before the Senate for immediate consideration.

With unanimous consent, on motion of Senator East, the joint resolution and the remarks of members honoring and memorializing the life and memory of The Honorable James Marshall Hall are spread upon the Journal, as follows:

House Joint Resolution 501, a joint resolution honoring the life and the memory of the late James Marshall Hall, former member of the General Assembly.

Whereas, James Marshall Hall was born in King on August 6, 1922, one of three children of Raleigh F. Hall and Hattie Fowler Hall; and

Whereas, James Marshall Hall graduated from King High School in 1940; and

Whereas, James Marshall Hall was a veteran of the United States Army, serving his country during World War II from 1942 to 1946; and

Whereas, James Marshall Hall had several vocations; he engaged in farming, served as an insurance agent for 18 years, and worked for the Division of Motor Vehicles for seven years; and

Whereas, James Marshall Hall married Melba Covington Hall on January 24, 1946, and they had three children, Barry, Bruce, and Emily Hall; and

Whereas, James Marshall Hall devoted 38 years of his life to little league baseball, enriching the lives of many young children in his community; and

Whereas, for a number of years, James Marshall Hall served as President of King Little League Baseball, as President of the North Carolina Little League

Baseball Association, as a member of the Southern Region Tournament Advisory Board for Little League Baseball, and as District Administrator of Little League Baseball, Inc.; and

Whereas, James Marshall Hall was active in the American Legion and was a member of the King Lions Club, of which he served as treasurer from 1968 to 1972; and

Whereas, James Marshall Hall was an active member of the Republican Party; and

Whereas, James Marshall Hall represented Stokes County with distinction as a member of the House of Representatives during the 1973 and 1985 Sessions of the General Assembly; and

Whereas, James Marshall Hall was a member of the Mount Olive Baptist Church in King; and

Whereas, James Marshall Hall will be remembered by all who knew him as a loving and devoted family man; and

Whereas, James Marshall Hall died on July 7, 1994; and

Whereas, James Marshall Hall is survived by his children, Barry Hall, Bruce Hall, and Emily Southern, four grandchildren, and one great–grandchild;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly honors the life and memory of its former member, James Marshall Hall, and expresses its gratitude for his service to the people of North Carolina.

Sec. 2. The General Assembly expresses its deep sorrow to the family and friends of James Marshall Hall for the loss of a beloved father, grandfather, and a true friend.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of James Marshall Hall.

Sec. 4. This resolution is effective upon ratification.

By Senator East:

"Thank you, Mr. President. Ladies and gentlemen of the Senate. Mr. James Marshall Hall served his country well. He served his community well, and he served his State well by his service in the North Carolina House. Mr. Hall was well loved by the youth of his area. He was active in Little League baseball. He was the President of the North Carolina Little League Baseball Association, and as a member of the Southern Region Tournament Advisory Board for Little League Baseball, and as Director—I'm sorry, and as District Administrator of the Little League Baseball, Inc. Mr. Hall died within the past year. We all miss Mr. Hall, and hope you'll support this resolution."

By Senator Cochrane:

"Thank you, Mr. President. Ladies and gentlemen of the Senate, I had the opportunity of serving with Marshall Hall in the House. A little, quiet man and seldom one to speak on the floor and occasionally in committee. I think that those of us who served with him in the House and certainly the constituency that he represented knew the philosophy that permeated all of his votes, and that he was always there on behalf of that constituency from the mountains that sent him to Raleigh. He was not a person of any special interest group except the people of those counties he represented. He will be missed and the kind of straight–

arrow individual that he was all of his days is certainly a vanishing breed in our country."

By Senator Foxx:

"Thank you, Mr. President. I would like to say that I had the privilege of having Marshall Hall serve as my Representative, and also had the privilege of working with him last spring in the primary. And I want to say Senator Cochrane and Senator East have both said very positive things about Marshall and I certainly agree with them. I'd like to reiterate, particularly, what Senator Cochrane said—that he had no particular constituency; he served the people because of the pleasure of serving them and he very much wanted to come back here last year and serve again. And I think that we should honor his memory in this way. Thank you."

By Senator Conder:

"Thank you, Mr. President. Ladies and gentlemen of the Senate, I knew Marshall because we came here in 1985, Senator Basnight, and the thing that really impressed me about this kind gentleman was his love of Little League baseball. He continually talked to me about it. In fact, I think we spent a lot of time down at the Radisson back in '85. He talked a lot about Little League baseball and what it meant to the young people in his District, the young people in the State of North Carolina, and to me, he was a real gentleman, was a person that did a lot for this State and never sought any credit. He went about his business just like a quiet person would do, but he was a wonderful person and I really enjoyed knowing him and I certainly commend this resolution, too. Thank you."

By Senator Basnight:

"Thank you, Mr. President, and Members of the Senate. I, too, had the opportunity to be a part of that Session with Representative Hall, and what a wonderful man he was. He served his country during World War II and then he contributed to the many children—38 years working with the youth and the Little League Baseball Association, developing their minds and their habits, teaching those very traits that all of us should be a part of, the traits of their future life, whatever they may be. All of those children were touched by his contributions. Yes, he would stop and quickly talk about the youth of tomorrow and the opportunities that they had before us and before him, because of his contributions. He was a wonderful man. I commend this resolution to each of you."

The joint resolution passes its second and third readings with members standing. The Chair orders the joint resolution enrolled.

The Chair extends courtesies of the gallery to the friends and family of the late James Marshall Hall—Emily and Larry Southern, Barry and Rachel Hall, Bruce and Carmel Hall, Peggy Smith, Patrick Tuttle, and Craig Smith.

PAGES

The President recognizes the following pages serving in the Senate this week:

Victoria Leigh Bailey, Raleigh; Lee Bush, Charlotte; Jason Paul Caccamo, Raleigh; Lindsey Cartee, Cherryville; Michael David Cox, Clemmons; Natalie Lynd King, Raleigh; Leigh Anna Kluttz, Cherryville; Justin W. Lee; Raleigh; Nicole Michelle Lee, Cary; James Martin, Charlotte; Nathan C. McGhee, Raleigh; Rebecca P. Mills, Manteo; Travis Oakley, Willow Springs; Stephanie Joy Pippin, Fremont; Jason Polychron, Winston–Salem; Russell Lee Saine, Iron Station; Adam Riley Sloan, Statesville; John Alden Smith, Jr., Charlotte; Travis Butler Sowers, Burgaw; Nikki Lee Taylor, Franklin; Wendy Marie Wallace, Elizabeth City; and Cameron Barnes Wilson, Oriental.

On motion of Senator Basnight, seconded by Senator Plexico, the Senate adjourns at 8:00 P.M. to meet tomorrow, Tuesday, April 11, at 3:00 P.M.

FORTY-FOURTH DAY

SENATE CHAMBER,
Tuesday, April 11, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend J. Clyde Plexico, Jr., of Westminister Presbyterian Church in Asheville, father of Senator Clark Plexico, as follows:

"O God, in our mind's eye we look around us and see abiding in the lives of past Senators, the strength of faith—faith in You and faith in other men and women. Help these 1995 Senators to feel again the inspiration of this place. Create within them faith in You that can conquer mountains and smooth out rough ways.

"May this faith bring about renewed efforts to make this world a better place in which to live and to enable them to pass legislation that will remember the common man and enhance his presence in the world. This prayer we pray in the sure belief in a God of Power and Compassion. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Smith due to hospitalization.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, April 10, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Carl Haynes of Kinston, who is serving the Senate as Doctor of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.J.R. 501, a joint resolution honoring the life and memory of the late James Marshall Hall, former member of the General Assembly. (Res. 5)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Commerce Committee:**

S.B. 412, a bill to modify the law concerning the federal preemption of State usury laws, with a favorable report.

By Senator Soles for the Pensions and Retirement/Insurance/State Personnel Committee:

S.B. 342, a bill to improve insurance company financial matters by adopting standards for assumption reinsurance, material transactions, and property and casualty insurer capital, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 8593 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Wednesday, April 12, for further consideration.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Edwards and Rand:
S.B. 626, a bill relating to Cumberland County.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Edwards and Rand:
S.B. 627, a bill relating to Cumberland County.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Edwards and Rand:
S.B. 628, a bill relating to the City of Fayetteville.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Rand and Edwards:
S.B. 629, a bill relating to Cumberland County.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Rand and Edwards:
S.B. 630, a bill relating to Cumberland County.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Allran, Winner, Dannelly, Albertson, Hoyle, Martin of Pitt, Webster, Hartsell, Cochrane, McDaniel, Foxx, and Forrester:

S.B. 631, a bill to allow taxpayers to contribute to the Highway Wildflower Fund when they file their State income tax returns.

Referred to **Finance Committee.**

By Senator Allran:

S.B. 632, a bill to amend the vital records law.

Referred to **Judiciary I/Constitution Committee.**

By Senator Perdue:

S.B. 633, a bill to appropriate funds for the extension of the Beaver Damage Control Pilot Program and to provide for participation in the program by Carteret, Craven, and Pamlico Counties.

Referred to **Appropriations Committee.**

By Senators Gulley and Lucas:

S.B. 634, a bill to permit the reallocation of the Highway Trust Fund urban loop funds to other transportation improvement program projects and public transportation.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator McKoy:

S.B. 635, a bill to exempt the Wake County Public School System from certain statutory requirements in some school construction contracts.

Referred to **Education/Higher Education Committee.**

By Senator Plexico:

S.B. 636, a bill to modify the distribution of profits from the ABC system in the City of Hendersonville.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Plexico:

S.B. 637, a bill relating to the Twenty-Ninth Senatorial District.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Plexico:

S.B. 638, a bill relating to the Twenty-Ninth Senatorial District.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Plexico:

S.B. 639, a bill to allow the City of Hendersonville to donate unclaimed bicycles to charity.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Ledbetter and Clark:

S.B. 640, a bill changing the election of members of the McDowell County Board of Education from May to November.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Plyler, Perdue, Plexico, Conder, Odom, Rand, Hobbs, Winner, and Jordan:

S.B. 641, a bill to increase the Adult Developmental Activity Program (ADAP) reimbursement rate to seventy percent of total cost, and to appropriate funds.

Referred to **Appropriations Committee.**

By Senators Lucas, Jordan, and Dannelly:

S.B. 642, a bill to update the fee structure of the North Carolina Board for Social Work.

Referred to **Finance Committee.**

By Senators Odom, Hobbs, Conder, Plyler, Sherron, Parnell, and Blackmon:

S.B. 643, a bill to provide for prior notice of sewer system moratoria to the affected unit of government and to the public.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senator Odom:

S.B. 644, a bill to appropriate funds for the expansion of Summit House services.

Referred to **Appropriations Committee.**

By Senators Winner, Gulley, Dannelly, Albertson, Conder, Hartsell, Allran, Plexico, Blackmon, Simpson, and Odom:

S.B. 645, a bill to appropriate funds to provide services to Limited English Proficiency (LEP) students.

Referred to **Appropriations Committee.**

By Senators Kerr, Conder, Webster, Davis, East, Forrester, Little, Warren, Hoyle, Martin of Pitt, Albertson, Dannelly, Speed, and Rand:

S.B. 646, a bill to establish a Workers' Compensation Fund for volunteer fire, rescue, and EMS workers.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Albertson, Speed, Warren, Martin of Pitt, Kerr, Ballance, Dannelly, Lucas, Edwards, and Rand:

S.B. 647, a bill to appropriate funds to the Department of Cultural Resources for the National Military History Museum.

Referred to **Appropriations Committee.**

By Senators Albertson, Martin of Pitt, Warren, Kerr, Soles, Speed, Rand, Lucas, Ballance, Edwards, Jordan, and Cooper:

S.B. 648, a bill to appropriate funds to the Department of Commerce, Division of Travel and Tourism, to fund the Eastern North Carolina Tour.

Referred to **Appropriations Committee.**

By Senators Albertson, Kerr, Dannelly, Martin of Pitt, Speed, Warren, Parnell, and Soles:

S.B. 649, a bill to authorize sweet potato assessments to be paid by producers of sweet potatoes.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Lucas and Dannelly:
S.B. 650, a bill to appropriate funds for Head Start Parent–Child Development Centers.
Referred to **Appropriations Committee.**

By Senator Rand:
S.B. 651, a bill to require the permanent identification of a dead body.
Referred to **Children and Human Resources Committee.**

By Senator Rand:
S.B. 652, a bill to make changes to the General Statutes pertaining to small employer health care coverage.
Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Forrester, Lucas, Little, and Cochrane:
S.B. 653, a bill to make technical and other changes to the Medical Practice Act.
Referred to **Children and Human Resources Committee.**

By Senators Ledbetter and Clark:
S.B. 654, a bill authorizing a one–step service process in specified housing code cases in the City of Asheville.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Rand, Soles, Perdue, Davis, Little, Hoyle, Plyler, and Hobbs:
S.B. 655, a bill to provide that a defendant who is convicted of a drug trafficking conspiracy is not eligible for intermediate sanctions under the Structured Sentencing Act and to provide that a person who sells, manufactures, delivers, transports, or possesses ten pounds or more of marijuana is guilty of trafficking in marijuana.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Winner, Odom, Dannelly, and Blackmon:
S.B. 656, a bill to provide districts for the Charlotte–Mecklenburg Board of Education and the Board of Commissioners of Mecklenburg County.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Sherron:
S.B. 657, a bill to allow the Building Code Council to adopt alternative safety systems for buildings built prior to 1953 and to reappoint the members of the Building Code Council.
Referred to **Judiciary II/Election Laws Committee.**

By Senator Ballance:
S.B. 658, a bill to appropriate funds to the completion of an equipment shed for forestry equipment in Warren County.
Referred to **Appropriations Committee.**

By Senators Hartsell and Plexico:
S.B. 659, a bill to ensure fairness to teacher assistants in kindergarten through third grade.
Referred to **Education/Higher Education Committee.**

By Senators Allran, Winner, Hoyle, Martin of Pitt, and Carpenter:
S.B. 660, a bill to provide for the administrative revocation of the drivers license of a person aged eighteen through twenty for having a blood alcohol level of 0.02 or greater as recommended by the Child Fatality Task Force.
Referred to **Judiciary I/Constitution Committee.**

By Senators Conder and Plyler:
S.B. 661, a bill relating to the Montgomery County Board of Commissioners.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Conder and Plyler:
S.B. 662, a bill relating to the Richmond County Board of Commissioners.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Jordan and Soles:
S.B. 663, a bill making a qualified exception for the City of Wilmington and New Hanover County from the Public Records Act for certain geographical information systems.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Martin of Pitt:
S.B. 664, a bill to revise and consolidate the Charter of the Town of Plymouth.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Hoyle and Perdue:
S.B. 665, a bill to exempt school buses from highway use tax.
Referred to **Finance Committee.**

By Senators Martin of Guilford and Shaw:
S.B. 666, a bill to incorporate the Town of Sedalia.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bill and a resolution which are read the first time and disposed of, as follows:

H.B. 248 (Committee Substitute), a bill to clarify that Union County and Columbus County may assess a fire protection fee on certain mobile homes.
Referred to **Local Government and Regional Affairs Committee.**

H.J.R. 535, a joint resolution honoring the veterans of North Carolina who served during World War II.
Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 145 (Committee Substitute), a bill to revise and consolidate the Charter of the City of Roanoke Rapids, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, April 12, for further consideration, upon third reading.

S.B. 384, a bill relating to pyrotechnics in the City of Winston-Salem.

The bill passes its second (49–0) and third readings and is ordered sent to the House of Representatives.

S.B. 156, a bill to provide that firefighters and emergency medical service personnel may possess or carry weapons on school grounds when discharging their official duties.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted, changing the title to read **S.B. 156**, a bill to provide that firefighters, emergency medical service personnel and North Carolina forest service personnel may possess or carry weapons on school grounds when discharging their official duties.

The bill, as amended, passes its second reading (49–0).

With unanimous consent, the bill, as amended, remains before the Senate for consideration upon third reading.

Senator Dannelly offers a motion that further consideration of the bill, as amended, be postponed until Wednesday, April 12, which motion prevails.

The Chair orders the bill, as amended, placed on the Calendar for tomorrow, April 12, upon third reading.

S.B. 84, a bill to place time limits on options in gross and other interests in land, as recommended by the General Statutes Commission, upon third reading.

With unanimous consent, on motion of Senator Hartsell, consideration of the bill is postponed until Thursday, April 13.

S.B. 287 (Committee Substitute), a bill to amend the law regarding statutory rape and the age of consent, upon third reading.

Senator Allran offers Amendment No. 1, which rewrites the Committee Substitute bill in its entirety, and which proposes to change the title to read **S.B. 287** (Committee Substitute), a bill to create offenses of statutory rape and statutory sexual offense against victims who are thirteen, fourteen, or fifteen years old.

Following debate, Senator Horton rises to a point of order as to Amendment No. 1 constituting a material amendment of the measure.

The Chair rules Amendment No. 1 germane and holds it to be material.

Following further debate, on motion of Senator Allran, the Committee Substitute bill, with Amendment No. 1 pending, is recommitted to the **Judiciary I/ Constitution Committee** (33–15).

S.B. 265, a bill to establish a season for hunting foxes with firearms and bow and arrow in Caldwell County, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 265** (House Committee Substitute), a bill to add Caldwell County to the areas covered by the statewide fox management plan, and changes the measure from a public bill to a local bill.

The Chair rules the House Committee Substitute bill a local bill.

The Senate concurs in the House Committee Substitute bill (47–0) and the measure is ordered enrolled.

On motion of Senator Basnight, seconded by Senator Hobbs, the Senate adjourns at 4:19 P.M. to meet tomorrow, Wednesday, April 12, at 3:00 P.M.

FORTY–FIFTH DAY

SENATE CHAMBER,
Wednesday, April 12, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

A prayer of Eric Milner–White is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, allow us never to think that we have knowledge enough to need no teaching, wisdom enough to need no correction, talents enough to need no grace or strength sufficient without Your Spirit; otherwise standing still we may fall back for evermore. Be our Guide today, O God, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization, and to Senator Odom due to a family emergency.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, April 11, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written (46–0).

The Chair extends courtesies of the floor to Robert Morgan, former Senator from Harnett County, former North Carolina Attorney General, and former United States Senator.

The Chair orders the remarks of Senator Basnight to a point of personal privilege spread upon the Journal, as follows:

"Members of this Chamber, today is, would have been, the seventy–third birthday of Senator Mary Seymour, were she still with us. As we all realize and understand what the future holds for all of us, we hopefully will join her one day.

She was a special member, a special purpose of which she envisioned of why she served. With us today, and if I may suspend the rules to the end, Mr. President, and give privileges of the floor to her husband and a very special friend to all of us, Hubert. He's in the back as he always has been in the past. Welcome, and we miss her as much today as always. Thank you."

The President of the Senate extends courtesies of the floor to Dr. Dawn Brezina of Greenville, who is serving the Senate as Doctor of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 265 (House Committee Substitute), an act to add Caldwell County to the areas covered by the statewide fox management plan. (Ch. 32)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee**:

S.B. 579, a bill to authorize the Cleveland County Board of Education to dispose of certain property at private sale, with a favorable report.

S.B. 568, a bill to provide that the Davie County Board of Education shall take office on the first Monday in July following their election, with a favorable report.

S.B. 540, a bill to provide for election of all the members of the Rockingham City Council for four-year terms, with a favorable report.

S.B. 535, a bill to establish the appointive office of Tax Collector for Buncombe County and the City of Asheville upon the expiration of the term of the present elected Tax Collector and to authorize the joint or separate appointment of a Tax Collector for the County and City, with a favorable report.

S.B. 524, a bill making sundry amendments concerning local governments in Orange County, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 427, a bill to provide staggered terms for the Momeyer Town Council, with a favorable report.

S.B. 339, a bill to grant added powers to the Stanly Airport Authority related to constructing an industrial park, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 374 (Committee Substitute), a bill to amend the extension of bear hunting season in Pasquotank and Camden Counties and to include Chowan County in that extension of the season, with a favorable report.

H.B. 372 (Committee Substitute), a bill to provide that the Madison County Board of Education shall take office in July of the year of their election, with a favorable report.

H.B. 345, a bill to authorize the Town of Yaupon Beach to create a sea turtle sanctuary, with a favorable report.

H.B. 128 (Committee Substitute), a bill to permit the City of Henderson and the City of Asheville to use wheel locks on certain illegally parked vehicles, with a favorable report.

H.B. 214, a bill to revise and consolidate the Charter of the Town of Tarboro, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee**:

H.B. 103 (Committee Substitute), a bill to strengthen the insurance fraud law, with a favorable report.

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

S.B. 38, a bill to amend the campaign-reporting laws to require more disclosure about contributors and to add a report around Labor Day for certain candidates; and to eliminate the extra contribution limit period for the second primary for candidates who are not on the ballot in the second primary, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 8601, which changes the title to read **S.B. 38** (Committee Substitute), a bill to amend the campaign-reporting laws to add a report around Labor Day for certain candidates and to eliminate the extra contribution limit period for the second primary for candidates who are not on the ballot in the second primary, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Thursday, April 13, for further consideration.

S.B. 53, a bill to require the registration of persons convicted of certain criminal sexual offenses, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 1630 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Gulley, the Committee Substitute bill is placed on the Calendar for Thursday, April 13, for further consideration.

S.B. 488, a bill to allow the Business Information Office to assist the public with certain licensing procedures of the Department of Motor Vehicles, with a favorable report.

By Senator Rand for the **Rules and Operation of the Senate Committee**:

S.J.R. 538, a joint resolution providing for a joint session of the General Assembly to consider action on the appointments by the Governor of new members to the State Board of Education, with a favorable report.

S.J.R. 539, a joint resolution providing for confirmation of the appointments of Kathy A. Taft and Jane Norwood to membership on the State Board of Education, with a favorable report.

Pursuant to Rule 43, the joint resolution is re–referred to the **Education/Higher Education Committee.**

S.B. 575, a bill to increase the membership of the Legislative Ethics Committee, to designate committee cochairs from each legislative chamber, and to make conforming changes, with a favorable report.

H.B. 401, a bill to retain certified law enforcement officers for the State Museum of Art, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Plyler and Conder:

S.B. 667, a bill to appropriate funds to the Department of Crime Control and Public Safety for an increase in the Federal Operation and Maintenance Agreement to support the North Carolina Air Guard complex at Stanly County Airport.

Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 668, a bill to remove the sunset from the statute permitting private contract participation by the Department of Transportation.

Referred to **Transportation Committee.**

By Senators Plyler, Conder, Rand, Odom, Perdue, and Hobbs:

S.B. 669, a bill to provide funds to the National Guard for the repair and maintenance of armories and for the educational assistance program.

Referred to **Appropriations Committee.**

By Senators Plexico, Forrester, Cooper, Jordan, Hobbs, and Odom:

S.B. 670, a bill to appropriate funds for the University of North Carolina School of Medicine's Statewide Infection Control Program.

Referred to **Appropriations Committee.**

By Senator Gulley:
S.B. 671, a bill to authorize Durham County to increase its occupancy tax from five percent to six percent.
Referred to **Finance Committee.**

By Senators Gulley and Lucas:
S.B. 672, a bill to appropriate funds for a capital project at the North Carolina Museum of Life and Science.
Referred to **Appropriations Committee.**

By Senators Smith, Cochrane, and Hartsell:
S.B. 673, a bill relating to Rowan County and to cities and school administrative units located wholly or partly in Rowan County.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Smith, Cochrane, and Hartsell:
S.B. 674, a bill relating to Rowan County and to cities and school administrative units located wholly or partly in Rowan County.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Simpson:
S.B. 675, a bill to revise the statutes governing the Morganton–Lenoir Airport Authority.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Sherron, Hobbs, Martin of Pitt, Jordan, Winner, Rand, and McKoy:
S.B. 676, a bill to appropriate funds to encourage the development of the interactive visual technologies industry in the State.
Referred to **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 72, a bill to criminalize indecent liberties between children.
Referred to **Judiciary I/Constitution Committee.**

H.B. 311 (Committee Substitute), a bill to make use of a counterfeit trademark a crime in North Carolina.
Referred to **Judiciary I/Constitution Committee.**

H.B. 554, a bill to provide for flags to signal the presence of skiers and other persons in the water.
Referred to **Transportation Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 145 (Committee Substitute), a bill to revise and consolidate the Charter of the City of Roanoke Rapids, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 342 (Committee Substitute), a bill to improve insurance company financial matters by adopting standards for assumption reinsurance, material transactions, and property and casualty insurer capital.

The Committee Substitute bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives.

S.B. 412, a bill to modify the law concerning the federal preemption of State usury laws.

The bill passes its second reading (45–1).

Senator Kerr objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, April 13, for further consideration upon third reading.

S.B. 156, a bill to provide that firefighters, emergency medical service personnel and North Carolina forest service personnel may possess or carry weapons on school grounds when discharging their official duties, as amended, upon third reading.

Senator Martin of Guilford offers Amendment No. 2.

With unanimous consent, on motion of Senator Martin of Guilford, the Chair orders the bill, as amended, temporarily displaced with Amendment No. 2 pending.

S.B. 259 (Committee Substitute), a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense and to protect merchants and peace officers from civil liability for detention or arrest of persons accused of larceny, as amended, upon third reading.

Senator Soles offers a motion the rules be suspended to the end he may offer a motion to reconsider the vote by which Amendment No. 2 was adopted on April 4.

Senator Kincaid offers a substitute motion that further consideration of the Committee Substitute bill, as amended, be postponed until Thursday, April 13.

Upon motion of Senator Soles, the Chair orders the Committee Substitute bill, as amended, temporarily displaced, with the substitute motion to postpone further consideration pending.

WITHDRAWAL FROM CALENDAR

S.B. 412, a bill to modify the law concerning the federal preemption of State usury laws, placed on the Calendar for Thursday, April 13, upon third reading, earlier today.

Senator Horton offers a motion the bill be taken from the Calendar for Thursday, April 13, and placed before the Senate for further consideration upon third reading, which motions prevail with unanimous consent.

With unanimous consent, the Senate reconsiders its previous action and places it before the Senate for further consideration upon third reading.

The bill passes its third reading (47–0) and is ordered sent to the House of Representatives.

CALENDAR (Continued)

S.B. 259 (Committee Substitute), a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense and to protect merchants and peace officers from civil liability for detention or arrest of persons accused of larceny, as amended, upon third reading, temporarily displaced earlier, with a substitute motion to postpone further consideration pending.

Senator Kincaid withdraws his substitute motion, offered earlier, to postpone further consideration of the measure until Thursday, April 13.

Senator Hoyle offers a substitute motion the Committee Substitute bill, as amended, be removed from today's Calendar and recommitted to the **Judiciary I/Constitution Committee**, which motion fails to prevail (18–26).

The question reverts to the motion of Senator Soles that the rules be suspended to the end a motion to reconsider the vote by which Amendment No. 2 was adopted may be offered, which motion fails to prevail (28–17) for lack of a two–thirds majority.

Senator Hoyle offers a motion the Committee Substitute bill, as amended, be taken from today's Calendar and recommitted to the **Judiciary I/Constitution Committee.**

Senator Soles rises to a point of order as to the question before the Senate. The Chair rules, with intervening action, the motion of Senator Hoyle to recommit the measure to the **Judiciary I/Constitution Committee** properly before the Senate.

The motion prevails and the Chair orders the Committee Substitute bill, as amended, recommitted to the **Judiciary I/Constitution Committee.**

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 182 (Committee Substitute), a bill to provide that if a candidate died before the primary election, the estate of the candidate shall be entitled to a refund of the filing fee, as written by the **Judiciary II/Election Laws Committee,** with a favorable report.

S.B. 496, a bill to allow local governments to forgo collection of ad valorem tax bills when the original principal amount due is under five dollars, with a favorable report, as amended.

S.B. 507, a bill to amend the Charter of the City of Durham to permit the City Council to specially assess benefited property for the cost of extending water and sewer lines to property located outside of the city limits when requested by the Board of Commissioners of Durham County without the necessity of a petition for such improvements being submitted, as amended by the **Local Government and Regional Affairs Committee**, with a favorable report.

S.B. 580, a bill to amend the Charter of the City of Albemarle concerning assessments for street improvements, with a favorable report.

H.B. 122 (Committee Substitute), a bill to expand the allowable uses of transporter plates, to allow owners of salvage vehicles to retain title to the vehicles, and to exempt out–of–State utility vehicles that are used in certain emergency operations from the vehicle registration and road tax requirements, with a favorable report, as amended.

CALENDAR (Continued)

S.B. 156, a bill to provide that firefighters, emergency medical service personnel and North Carolina forest service personnel may possess or carry weapons on school grounds when discharging their official duties, as amended, upon third reading, temporarily displaced earlier, with Amendment No. 2 pending.

With unanimous consent, Senator Martin of Guilford withdraws Amendment No. 2

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, *who presides.*

Senator Martin of Guilford offers Amendment No. 3.

Following debate, Senator Perdue offers a motion the bill, as amended, with pending Amendment No. 3, be removed from today's Calendar and recommitted to the **Judiciary II/Election Laws Committee**, which motion prevails.

The Chair orders the bill, as amended, upon third reading, recommitted to the **Judiciary II/Election Laws Committee** with Amendment No. 3 pending.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 115
(Senate Committee Substitute)

House of Representatives
April 12, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute to **HB 115**, A

BILL TO BE ENTITLED AN ACT TO MODIFY THE APPOINTMENT OF THE HALIFAX ABC BOARD AND TO PROVIDE THAT DISTRIBUTION OF REVENUE SHALL BE ACCORDING TO GENERAL STATUTE, the Speaker has appointed as conferees on the part of the House,

Representative Locke,
Representative Crawford, and
Representative Wilkins

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to N.C.G.S. 130A–124, the North Carolina Department of Environment, Health and Natural Resources submits its Fifth Annual Report – North Carolina Adolescent Pregnancy Prevention Program.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 115 (Senate Committee Substitute), a bill to modify the appointment of the Halifax ABC Board and to provide that distribution of revenue shall be according to General Statute, with a message the House of Representatives fails to concur in the Senate Committee Substitute bill received earlier today requesting conferees.

Senator Ballance offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senator Ballance, Chairman, and Senators Jordan and Cooper, as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Senator Rand offers a motion to suspend Rule 40.1(a) to allow drafts of local bills, No. 2598, No. 9597, and No. 2565 received in the Office of the Principal Clerk after the filing deadline, filed for introduction, which motion prevails.

On motion of Senator Basnight, seconded by Senator Cochrane, the Senate adjourns in memory of Mary Seymour, former Senator from Guilford County, at 4:37 P.M., to meet tomorrow, Thursday, April 13, at 12:00 P.M.

FORTY-SIXTH DAY

SENATE CHAMBER,
Thursday, April 13, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, though what goes on in this Senate Chamber is of great importance, we are keenly aware that our hearts and minds are drawn more earnestly this week to Your Story, Dear Lord, the Story of Faith, for it is Holy Week.

"From the Jewish celebration of Passover and how You rescued the Chosen People of Israel from bondage and slavery, to the Christian church's celebration of Easter—God becoming man, living among us, dying then living again—it is the powerful and miraculous story of truth that never dies, the miracle of doubt turning into faith, of fear turning into hope.

"God help us reflect the power of that story and the Love that You have so graciously bestowed upon us. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization, and to Senator Webster.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, April 12, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. E. S. Douglas of Greenville, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 152, an act to provide that the Department of Transportation shall pay for the nonbetterment relocation of sanitary district utilities. (Ch. 33)

H.B. 145 (Committee Substitute), an act to revise and consolidate the Charter of the City of Roanoke Rapids. (Ch. 34)

H.B. 211, an act amending the Charter of the City of Greensboro to authorize the City Council to require owners of rental property within the City to authorize an agent to accept service of process. (Ch. 35)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee:**

S.B. 433, a bill to authorize the City of Charlotte to submit proposals and receive contracts for construction and repair work not to exceed two hundred thousand dollars, with a favorable report, as amended.

S.B. 527, a bill to provide for a referendum on the repeal of the Charter of the Town of Sandyfield, with a favorable report, as amended.

H.B. 146, a bill to allow the City of Lumberton to enact ordinances regulating the towing of motor vehicles that have been abandoned and are not covered by financial responsibility, with a favorable report, as amended.

H.B. 330 (Committee Substitute), a bill to authorize the City of Winston–Salem, the City of Gastonia, and the City of Fayetteville to require owners of rental property in those Cities to authorize an agent to accept service of process, and to clarify the authority of the Cities of Durham and Asheville to do the same, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Jordan, the rules are suspended, and the proposed Senate Committee Substitute bill 9103, which changes the title, upon concurrence, to read **H.B. 330** (Senate Committee Substitute), a bill to authorize the City of Winston–Salem and the City of Gastonia to require owners of rental property in those Cities to authorize an agent to accept service of process, and to clarify the authority of the Cities of Durham and Asheville to do the same, is placed before the Senate for immediate consideration and on his further motion is adopted.

On motion of Senator Jordan, the Senate Committee Substitute bill is placed on the Calendar for Monday, April 17, for further consideration.

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee:**

S.B. 353, a bill to make technical amendments and corrections in the insurance laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 8605 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee.**

By Senator Parnell for the **Commerce Committee:**

S.B. 573, a bill to enhance the role of optometrists in medical cost containment through revision of the hospital privileges law, to repeal the requirement for an optometrist to collaborate with a physician in the use or prescription of certain pharmaceutical agents, to establish peer review for optometrists, and to establish an optometrist privilege, with a favorable report.

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 186, a bill to extend the Sentencing Commission, with a favorable report.

S.B. 209, a bill to modify misdemeanor structured sentencing statutes to permit an active sentence equal to or less than time served, with a favorable report.

S.B. 256, a bill to remove language requiring an attorney's opinion and written statement in appeals by indigents of a judgment in a civil action, with a favorable report.

S.B. 257, a bill to increase the amount that may be in controversy in district and superior civil courts and to make corresponding changes to the Rules of Civil Procedure and nonbinding arbitration, with a favorable report.

S.B. 258, a bill to clarify the record–keeping responsibilities of clerks of superior court in IV–D child support cases, with a favorable report.

S.B. 277, a bill to remove the fifty acre limitation on condemning property for a school site, with a favorable report.

S.B. 208, a bill to make technical and clarifying amendments as recommended by the Sentencing Commission, with a favorable report, as amended.

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 336, a bill to establish an additional superior court judgeship and five additional assistant district attorney positions for Mecklenburg County and to appropriate funds for the Mecklenburg County Drug Court Program, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee**.

S.B. 243, a bill to amend the law regarding the power of a personal representative to settle claims for wrongful death, as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 5603 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Monday, April 17, for further consideration.

S.B. 244, a bill to provide for the summary administration of an estate where a surviving spouse is the sole beneficiary of the estate, as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 5604 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Monday, April 17, for further consideration.

Senator Rand offers a motion to suspend Rule 7 to the end the introduction of bills, petitions, and resolutions be placed as the last order of business today, which motion prevails.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills and a resolution which are read the first time and disposed of, as follows:

H.J.R. 124 (Committee Substitute), a joint resolution urging the President of the United States and the United States Congress to redeclare the war on illegal drugs and honoring the innocent Americans killed in illegal drug–related incidents.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 343, a bill to clarify the law on hunting with dogs in Anson County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 527, a bill to divide Superior Court District 11 into Districts 11A and 11B.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 572, a bill changing the method of election of the Laurinburg City Council.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 604, a bill to authorize the Town of Sunset Beach to regulate and control debris and other materials resulting from boating accidents.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 632, a bill to provide that the laws relating to motor vehicles apply within the Carolina Trace Community in Lee County.
Referred to **Transportation Committee.**

H.B. 651 (Committee Substitute), a bill to allow the Town of Nags Head to regulate noise in the Atlantic Ocean and other waterways adjacent to that portion of the Town within its boundaries or within its territorial jurisdiction.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 754, a bill to provide that when a water and sewer authority was formed by a county and one city, and the majority of the customers of the authority are located within a city that is not a member, that city may join the authority and appoint members to its governing board.
Referred to **Finance Committee.**

CALENDAR

Bills and a resolution on the Calendar are taken up and disposed of, as follows:

S.B. 507, a bill to amend the Charter of the City of Durham to permit the City Council to specially assess benefited property for the cost of extending water and sewer lines to property located outside of the city limits when requested by the Board of Commissioners of Durham County without the necessity of a petition for such improvements being submitted, as amended, upon second reading.
The bill, as amended, passes its second reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Speed, Warren, and Winner—44.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for Monday, April 17, for further consideration upon third reading.

S.B. 580, a bill to amend the Charter of the City of Albemarle concerning assessments for street improvements, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—47.

Voting in the negative: None.

The bill is ordered paced on the Calendar for Monday, April 17, for further consideration upon third reading.

H.B. 128 (Committee Substitute), a bill to permit the City of Henderson and the City of Asheville to use wheel locks on certain illegally parked vehicles, upon second reading.

On motion of Senator Ballance, the Committee Substitute bill is recommitted to the **Local Government and Regional Affairs Committee**.

S.B. 427, a bill to provide staggered terms for the Momeyer Town Council.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 535, a bill to establish the appointive office of Tax Collector for Buncombe County and the City of Asheville upon the expiration of the term of the present elected Tax Collector and to authorize the joint or separate appointment of a Tax Collector for the County and City.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 540, a bill to provide for election of all the members of the Rockingham City Council for four-year terms.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 568, a bill to provide that the Davie County Board of Education shall take office on the first Monday in July following their election.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 579, a bill to authorize the Cleveland County Board of Education to dispose of certain property at private sale.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 345, a bill to authorize the Town of Yaupon Beach to create a sea turtle sanctuary.

The bill passes its second and third readings and is ordered enrolled.

H.B. 372 (Committee Substitute), a bill to provide that the Madison County Board of Education shall take office in July of the year of their election.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 374 (Committee Substitute), a bill to amend the extension of bear hunting season in Pasquotank and Camden Counties and to include Chowan County in that extension of the season.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 53 (Committee Substitute), a bill to require the registration of persons convicted of certain criminal sexual offenses.

With unanimous consent, the Committee Substitute bill is taken up out of its regular order of business and on motion of Senator Odom, consideration of the Committee Substitute bill is postponed until Tuesday, April 18.

H.B. 122 (Committee Substitute), a bill to expand the allowable uses of transporter plates, to allow owners of salvage vehicles to retain title to the vehicles, and to exempt out–of–State utility vehicles that are used in certain emergency operations from the vehicle registration and road tax requirements, upon second reading.

On motion of Senator Kerr, consideration of the Committee Substitute bill is postponed until Tuesday, April 18.

S.B. 38 (Committee Substitute), a bill to amend the campaign–reporting laws to add a report around Labor Day for certain candidates and to eliminate the extra contribution limit period for the second primary for candidates who are not on the ballot in the second primary.

The Committee Substitute bill passes its second (43–1) and third readings and is ordered sent to the House of Representatives.

S.B. 182 (Committee Substitute), a bill to provide that if a candidate died before the primary election, the estate of the candidate shall be entitled to a refund of the filing fee.

The Committee Substitute bill passes its second (39–7) and third readings.

The voting equipment fails prior to the retention and printing of the recorded vote.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 488, a bill to allow the Business Information Office to assist the public with certain licensing procedures of the Department of Motor Vehicles.

The bill passes its second (37–9) and third readings and is ordered sent to the House of Representatives.

S.B. 496, a bill to allow local governments to forgo collection of ad valorem tax bills when the original principal amount due is under five dollars.

On motion of Senator Kerr, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46–0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.J.R. 538, a joint resolution providing for a joint session of the General Assembly to consider action on the appointments by the Governor of new members to the State Board of Education.

The joint resolution passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

S.B. 575, a bill to increase the membership of the Legislative Ethics Committee, to designate committee cochairs from each legislative chamber, and to make conforming changes.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

H.B. 103 (Committee Substitute), a bill to strengthen the insurance fraud law.

The Committee Substitute bill passes its second reading (47–0).

Senator Winner objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, April 17, for further consideration upon third reading.

H.B. 401, a bill to retain certified law enforcement officers for the State Museum of Art.

The bill passes its second (46–1) and third readings and is ordered enrolled.

S.B. 84, a bill to place time limits on options in gross and other interests in land, as recommended by the General Statutes Commission, upon third reading.

Senator Horton offers Amendment No. 1 which is adopted (46–0).

Senator Horton offers Amendment No. 2 which the Chair rules a perfecting amendment to Amendment No. 1. Consequently, Senator Horton withdraws Amendment No. 2 and offers a motion to reconsider the vote by which Amendment No. 1 was adopted, which motion prevails and the question reverts to the adoption of Amendment No. 1.

With Amendment No. 1 before the Body, Senator Horton resubmits Amendment No. 2 perfecting Amendment No. 1.

Senator Hartsell offers a motion the bill with Amendments No. 2 and No. 1 pending be removed from today's Calendar and placed on the Calendar for Tuesday, April 18, for further consideration upon third reading, which motion prevails.

The Chair orders the bill with Amendments No. 2 and No. 1 pending placed on the Calendar for Tuesday, April 18, for further consideration upon third reading.

INTRODUCTION OF BILLS

Pursuant to the motion of Senator Rand prevailing earlier today, bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Soles:

S.B. 677, a bill permitting the Board of Trustees of Southeastern Community College to grant security interests to federal agencies.

Referred to **Education/Higher Education Committee.**

By Senator Soles:

S.B. 678, a bill to set the insurance regulatory charge for calendar year 1995; to require insurers to pay NAIC filing fees; to allow the Commissioner to accept exam reports from unaccredited states; to allow money credited to the Consumer Protection Fund to be used to retain experts for hearings; and to require money recovered from delinquency proceedings or civil actions against the Commissioner be credited to the Fund.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Soles:

S.B. 679, a bill to validate certain actions of water and sewer districts.

Referred to **Judiciary I/Constitution Committee.**

By Senators Sherron, Conder, Hobbs, and McKoy:

S.B. 680, a bill to appropriate funds for the completion of North Carolina State University's Centennial Center.

Referred to **Appropriations Committee.**

By Senators Shaw and Martin of Guilford:

S.B. 681, a bill to modify the purposes for which Greensboro may use the proceeds of its local occupancy tax.

Referred to **Finance Committee.**

By Senators Gulley, Allran, and Lucas:

S.B. 682, a bill to provide for the appointment of standby guardians.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Ballance:

S.B. 683, a bill to provide for the election of superior court judges by judicial district, and to increase the number of district court districts, so as to increase compliance with Sections 2 and 5 of the Voting Rights Act of 1965 and to enable settlement of litigation.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Lucas and Gulley:

S.B. 684, a bill amending the Charter of Durham to authorize the making of emergency repairs to nonresidential buildings.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Lucas and Gulley:

S.B. 685, a bill to allow the City of Durham to require certain actions of its transportation authority to be by supermajority.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Warren, Rand, and Gulley:

S.B. 686, a bill to clarify the voting authority of members of the State Banking Commission.

Referred to **Commerce Committee.**

By Senators Warren, Albertson, Martin of Guilford, Edwards, Dannelly, and Rand:

S.B. 687, a bill to provide for improvement permits for sewage disposal systems.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Warren, Martin of Guilford, Perdue, Kerr, McDaniel, Sherron, Hobbs, McKoy, Albertson, Dannelly, Rand, and Gulley:

S.B. 688, a bill establishing annual salary increases for eligible State employees subject to the State Personnel Act through full implementation of the comprehensive compensation system and providing for the appropriation of funds for implementation of the system for the 1995–96 fiscal year and annually thereafter.

Referred to **Appropriations Committee.**

By Senators Rand, Perdue, Cooper, Soles, Simpson, Martin of Guilford, Warren, Speed, Hoyle, Martin of Pitt, Albertson, Gulley, Dannelly, Winner, Parnell, Sherron, Lucas, Kincaid, McDaniel, Carrington, Ballantine, Blackmon, Shaw, Edwards, Page, Ballance, Foxx, Cochrane, Hartsell, Forrester, Little, Allran, East, Davis, Webster, Carpenter, Conder, Plyler, Kerr, Hobbs, Jordan, Plexico, Odom, Clark, McKoy, Ledbetter, Sawyer, and Horton:

S.B. 689, a bill to provide for special registration plates for supporters of the Olympic Games.

Referred to **Transportation Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Rand:

S.B. 690, a bill to repeal the privilege license tax on installment paper dealers.

Referred to **Finance Committee.**

By Senator Rand:

S.B. 691, a bill to appoint persons to various public offices upon the recommendation of the President *Pro Tempore* of the Senate.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Rand:

S.B. 692, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Kerr:

S.B. 693, a bill to make technical amendments to improve the administration of the property tax on motor vehicles.

Referred to **Finance Committee.**

By Senator Kerr:

S.B. 694, a bill to amend the law regarding the Goldsboro Firemen's Supplemental Pension Fund.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Albertson, Ballantine, Foxx, Hoyle, Martin of Pitt, Winner, Rand, Kincaid, Soles, Speed, Dannelly, Kerr, Forrester, Carrington, Simpson, Cochrane, Little, East, Lucas, Davis, Webster, Perdue, and Cooper:

S.B. 695, a bill to create the Blue Ribbon Study Commission on Agriculture Waste.

Referred to **Appropriations Committee.**

By Senators Ballantine, Davis, McDaniel, Kincaid, Carrington, Foxx, Forrester, East, Carpenter, Hartsell, Page, and Simpson:

S.B. 696, a bill to provide that local governments may regulate the possession of alcoholic beverages on property owned by that local government.

Referred to **Judiciary I/Constitution Committee.**

By Senator Ballantine:

S.B. 697, a bill to provide that the City of Wilmington, and the Town of Kure Beach, the Town of Carolina Beach, and the Town of Atlantic Beach may regulate the possession of open containers of alcoholic beverages on public property.

Referred to **Judiciary I/Constitution Committee.**

By Senators Parnell and Ballance:

S.B. 698, a bill to appropriate funds to the Department of Justice for grants to local governments to establish a minimum annual salary for local law enforcement officers.

Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 699, a bill to allow the Town of Red Springs to sell at private sale a parcel of property donated to the Town.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Parnell:

S.B. 700, a bill to permit patients to select professional licensed counselors as mental health providers under health insurance policies, and to limit the exemption for licensure of counselors.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senator Perdue:

S.B. 701, a bill to prohibit the State Board of Education from adopting or enforcing any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for students who are identified as learning disabled in the area of mathematics, and to direct the State Board of Education to suspend the application of this rule to these students.

Referred to **Education/Higher Education Committee.**

By Senator Perdue:

S.B. 702, a bill to exclude from income tax certain gains from investments in qualified North Carolina businesses.

Referred to **Finance Committee.**

By Senators Foxx, Carrington, Blackmon, Shaw, Clark, Ledbetter, Lucas, Ballance, Sherron, Jordan, McDaniel, Forrester, Cochrane, Little, Warren, Conder, Gulley, Simpson, Ballantine, Page, Edwards, Martin of Pitt, Kerr, Davis, Hartsell, Carpenter, Webster, Horton, McKoy, Allran, and Odom:

S.B. 703, a bill to streamline, consolidate, and make more efficient all economic development functions in State government.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Little and Hobbs:

S.B. 704, a bill to redefine the boundaries of the West End Fire Protection District in Moore County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Foxx and East:

S.B. 705, a bill to transfer Chinqua–Penn Plantation from the University of North Carolina to the Department of Cultural Resources.

Referred to **Appropriations Committee.**

By Senator Hartsell:

S.B. 706, a bill to authorize Cabarrus County to establish an Aid to Families with Dependent Children (AFDC) and Food Stamp Workfare Pilot Program and an Adjunct Demonstration Program modifying the JOBS program.

Referred to **Children and Human Resources Committee.**

By Senator Hartsell:

S.B. 707, a bill to amend the law relating to the share of after–born or after–adopted children, as recommended by the General Statutes Commission.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Dannelly, Winner, and Blackmon:

S.B. 708, a bill regarding the procedure for letting public contracts by the City of Charlotte.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Soles:

S.B. 709, a bill to validate certain actions of Columbus County Water and Sewer District I.

Referred to **Judiciary I/Constitution Committee.**

By Senator Kincaid:

S.B. 710, a bill to increase the North Carolina Self–Insurance Guaranty Fund and to allow a credit against the gross premiums tax for assessments paid by self–insurers to the Guaranty Fund.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Lucas and Gulley:

S.B. 711, a bill authorizing Durham County to accept payments in lieu of required street and sidewalk construction.

Referred to **Finance Committee.**

By Senators Lucas and Gulley:

S.B. 712, a bill to authorize the City of Durham and Durham County to apply to the Superior Court for compensatory and punitive damages in cases where intentional discrimination is found in employment practices and to authorize parties to elect between having a hearing in Superior Court or before the enforcement agency.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Gulley:

S.B. 713, a bill to permit the County of Durham to collect payment of facilities fees in installments.

Referred to **Finance Committee.**

By Senator Gulley:

S.B. 714, a bill amending the Charter of the City of Durham relating to notification requirements for rezoning annexed property.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Winner:

S.B. 715, a bill to allow Mecklenburg County to establish police service districts.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Little and Hobbs:

S.B. 716, a bill concerning election of the Moore County Board of Education.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Little and Hobbs:

S.B. 717, a bill to require the Moore County Board of Commissioners to redistrict their residency districts.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Hobbs:

S.B. 718, a bill modifying the authority of Chatham County to impose impact fees.

Referred to **Finance Committee.**

By Senator Allran:

S.B. 719, a bill to amend the law regarding the transfer of jurisdiction over a juvenile to Superior Court for trial as an adult.

Referred to **Judiciary I/Constitution Committee.**

By Senator Allran:

S.B. 720, a bill to clarify the emancipation law and to provide for emancipation by parents in certain circumstances.

Referred to **Judiciary I/Constitution Committee.**

By Senator Allran:

S.B. 721, a bill to increase the maximum amount that may be recovered in strict liability for damage to person or property by minors.

Referred to **Judiciary I/Constitution Committee.**

By Senator Allran:

S.B. 722, a bill to require the issuance of licenses to qualified individuals authorizing the keeping of raccoons as personal pets and amend the public health laws to require raccoons kept as pets to be subject to State laws regarding rabies.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Winner, Lucas, Cochrane, Gulley, Rand, and Perdue:

S.B. 723, a bill to require the registration of telephonic sellers in North Carolina and to make the offering of telephone sales recovery services a criminal offense.

Referred to **Commerce Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Hartsell:

S.B. 724, a bill to describe circumstances under which an attorney–in–fact may make gifts, as recommended by the General Statutes Commission.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Conder and Plyler:

S.B. 725, a bill to exempt Richmond County from certain restrictions relating to the sale of hospital facilities to nonprofit corporations.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Sherron, Carrington, and McKoy:

S.B. 726, a bill to allow Wake County to acquire property for use by the County Board of Education.

Referred to **Finance Committee.**

By Senators Cooper and Ballance:

S.B. 727, a bill to allow Halifax County to acquire property for use by the County Board of Education.

Referred to **Finance Committee.**

On motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns at 1:29 P.M. to meet Monday, April 17, at 7:00 P.M.

FORTY–SEVENTH DAY

SENATE CHAMBER,
Monday, April 17, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Remarks and prayer are offered by Dr. Jeff Wisdom, Senior Minister of the Madison Avenue Baptist Church in Goldsboro, as follows:

"Thank you very much for the invitation, and good evening. Before our Session's evening prayer I would like to thank Senator John Kerr and your Senate

Chaplain, Dr. Mike Morris, for tonight's invitation. And also, before the prayer, I've got one short story for you.

"Two young boys are playing hooky from school when they are found by the town's preacher. The preacher, when he finds them, says, 'Boys, what are you doing playing hooky from school? Don't you want to go to heaven?' The oldest of the boys says, 'No, I don't want to go to heaven.' The preacher says, 'What? You mean you don't want to go to heaven when you die?' The boy said, 'Oh, yes—when I die. I thought you were getting a group to go right now.'

"Right now, it's time to pray, and we would invite you to do that right now.

"Father, our prayer this evening is a simple one. Grant to each of us the integrity and wisdom, grace and courage to make the choices required by conscience. Help us measure responsibility with grace and matters of practical concern with vision. And always, remind us that You are still present and available, and that You are as close as a prayer and as personal as repentance. Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Smith due to hospitalization; to Senator Hoyle due to business; to Senator Webster; and to Senator Edwards.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, April 13, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Ralph Gertsch of Raleigh, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Education/Higher Education Committee**:

S.B. 19, a bill to provide for a school improvement incentive grant program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner the proposed Committee Substitute bill 7625 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 7 (Committee Substitute), a bill to restore constitutional powers to the State Board of Education and to make conforming and technical changes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner, the rules are suspended, and the proposed Senate Committee Substitute bill 8160, which changes the title, upon concurrence, to read **H.B. 7** (Senate Committee Substitute), a bill to clarify the Statutes so as to streamline the operations of the State education agency, is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, April 18, for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 365, an act to provide for the taking of nongame fish with bow and arrow under authority of other hunting and fishing licenses. (Ch. 36)

H.B. 345, an act to authorize the Town of Yaupon Beach to create a sea turtle sanctuary. (Ch. 37)

H.B. 372 (Committee Substitute), an act to provide that the Madison County Board of Education shall take office in July of the year of their election. (Ch. 38)

H.B. 374 (Committee Substitute), an act to amend the extension of bear hunting season in Pasquotank and Camden Counties and to include Chowan County in that extension of the season. (Ch. 39)

H.B. 401, an act to retain certified law enforcement officers for the State Museum of Art. (Ch. 40)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Plyler, Conder, Plexico, Jordan, Hobbs, Rand, and Perdue:

S.B. 728, a bill to replace the substance abuse program within the Department of Correction with the Division of Alcoholism and Chemical Dependency Programs.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to **Appropriations Committee.**

By Senator Kerr:

S.B. 729, a bill to amend the General Statutes relating to civil actions brought to recover from third parties State funds expended on medical care.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Kerr:

S.B. 730, a bill to reenact, with modifications, certain misdemeanors relating to fires.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Sherron:

S.B. 731, a bill to appropriate funds for the State Games of North Carolina.

Referred to **Appropriations Committee.**

By Senators Warren, Sherron, Hobbs, McKoy, Kerr, Martin of Guilford, Perdue, McDaniel, Hoyle, Dannelly, and Albertson:

S.B. 732, a bill to remove the monthly ceiling on disability benefits received by employees covered under the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Warren, Sherron, Hobbs, McKoy, Kerr, Martin of Guilford, Perdue, McDaniel, Hoyle, Dannelly, and Albertson:

S.B. 733, a bill to restore the provision for purchase of out–of–State service in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Allran, Kincaid, Clark, Ballantine, Hartsell, Sawyer, Horton, Ledbetter, Simpson, Cochrane, Page, Carpenter, McKoy, Shaw, Forrester, Carrington, McDaniel, Foxx, East, Little, Davis, and Webster:

S.B. 734, a bill to require the informed consent of a pregnant woman before abortion may be performed.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Allran, Clark, Kincaid, Hartsell, Ballantine, Horton, Cochrane, Page, Sawyer, Simpson, Plexico, Carpenter, McKoy, Shaw, Blackmon, Carrington, McDaniel, Forrester, Foxx, East, Davis, and Webster:

S.B. 735, a bill to require parental or judicial consent for an unemancipated minor's abortion.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Webster:

S.B. 736, a bill to amend the law regarding the enforceability of various contractual provisions.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Soles:

S.B. 737, a bill to require that counties pay their local share of public assistance program benefits by electronic funds transfer.

Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Sherron:

S.B. 738, a bill to appropriate funds for parents as teachers programs.

Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 739, a bill to appropriate funds for senior centers.

Referred to **Appropriations Committee.**

By Senator Jordan:

S.B. 740, a bill to appropriate funds to the Housing Finance Agency to provide the State matching funds for the federal HOME Program.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford and McKoy:

S.B. 741, a bill to appropriate funds for North Carolina Agricultural and Technical State University to Research of Environmental Farming System.

Referred to **Appropriations Committee.**

By Senator Kerr:

S.B. 742, a bill to authorize the Secretary of the Department of Human Resources to investigate the deaths of certain Thomas S. class members.

Referred to **Children and Human Resources Committee.**

By Senators Hoyle and Horton:

S.B. 743, a bill to provide that the enforcement officers of the Division of Motor Vehicles may enforce all laws within the scope of their jurisdiction.

Referred to **Transportation Committee.**

By Senators Odom and Soles:

S.B. 744, a bill to amend the various grounds for discipline of practitioners of chiropractic by the State Board of Chiropractic Examiners.

Referred to **Judiciary I/Constitution Committee.**

By Senator Sherron:

S.B. 745, a bill to remove the cap on the income tax credit for real property donated for conservation purposes.

Referred to **Finance Committee.**

By Senators Plexico, Hoyle, Hobbs, Jordan, Edwards, Warren, Conder, and Winner:

S.B. 746, a bill to appropriate funds for textbooks for the public schools.

Referred to **Appropriations Committee.**

By Senators Hobbs, Plexico, Jordan, Odom, Rand, Martin of Pitt, Warren, Martin of Guilford, Blackmon, McKoy, Little, and Hoyle:

S.B. 747, a bill to appropriate funds to the Division of Travel and Tourism for an advertising campaign promoting North Carolina as a travel destination.

Referred to **Appropriations Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 507, a bill to amend the Charter of the City of Durham to permit the City Council to specially assess benefited property for the cost of extending water and sewer lines to property located outside of the city limits when requested by the Board of Commissioners of Durham County without the necessity of a petition for such improvements being submitted, as amended, upon third reading.

The bill, as amended, passes its third reading by roll–call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper,

Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—45.

Voting in the negative: None.

The bill, as amended and previously engrossed, is ordered sent to the House of Representatives.

S.B. 580, a bill to amend the Charter of the City of Albemarle concerning assessments for street improvements, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 433, a bill to authorize the City of Charlotte to submit proposals and receive contracts for construction and repair work not to exceed two hundred thousand dollars.

With unanimous consent, on motion of Senator Winner, consideration of the bill is postponed until Thursday, April 20.

S.B. 527, a bill to provide for a referendum on the repeal of the Charter of the Town of Sandyfield.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 146, a bill to allow the City of Lumberton to enact ordinances regulating the towing of motor vehicles that have been abandoned and are not covered by financial responsibility.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 330 (Committee Substitute), a bill to authorize the City of Winston-Salem, the City of Gastonia, and the City of Fayetteville to require owners of rental property in those Cities to authorize an agent to accept service of process, and to clarify the authority of the Cities of Durham and Asheville to do the same, changing the title, upon concurrence, to read **H.B. 330** (Senate Committee Substitute), a bill to authorize the City of Winston-Salem and the City of Gastonia to require owners of rental property in those Cities to authorize an agent to accept service of process, and to clarify the authority of the Cities of Durham and Asheville to do the same.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 277, a bill to remove the fifty acre limitation on condemning property for a school site, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Soles, Speed, Warren, and Winner—45.

Voting in the negative: Senator Simpson—1.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, April 18, for further consideration upon third reading.

S.B. 186, a bill to extend the Sentencing Commission.

The bill passes its second (45–1) and third readings and is ordered sent to the House of Representatives.

S.B. 208, a bill to make technical and clarifying amendments as recommended by the Sentencing Commission.

With unanimous consent, on motion of Senator Ballance, consideration of the bill is postponed until Tuesday, April 18.

S.B. 209, a bill to modify misdemeanor structured sentencing statutes to permit an active sentence equal to or less than time served.

The bill passes its second (35–11) and third readings and is ordered sent to the House of Representatives.

S.B. 243 (Committee Substitute), a bill to amend the law regarding the power of a personal representative to settle claims for wrongful death, as recommended by the General Statutes Commission.

The Committee Substitute bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

S.B. 244 (Committee Substitute), a bill to provide for the summary administration of an estate where a surviving spouse is the sole beneficiary of the estate, as recommended by the General Statutes Commission.

With unanimous consent, on motion of Senator Hartsell, consideration of the Committee Substitute bill is postponed until Tuesday, April 18.

S.B. 256, a bill to remove language requiring an attorney's opinion and written statement in appeals by indigents of a judgment in a civil action.

The bill passes its second (44–2) and third readings and is ordered sent to the House of Representatives.

S.B. 257, a bill to increase the amount that may be in controversy in district and superior civil courts and to make corresponding changes to the Rules of Civil Procedure and nonbinding arbitration.

With unanimous consent, on motion of Senator Gulley, the bill is re-referred to the **Appropriations Committee.**

S.B. 258, a bill to clarify the record-keeping responsibilities of clerks of superior court in IV-D child support cases.

The bill passes its second reading (44-2).

Senator Shaw objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, April 18, for further consideration upon third reading.

S.B. 573, a bill to enhance the role of optometrists in medical cost containment through revision of the hospital privileges law, to repeal the requirement for an optometrist to collaborate with a physician in the use or prescription of certain pharmaceutical agents, to establish peer review for optometrists, and to establish an optometrist privilege.

The bill passes its second (40-6) and third readings and is ordered sent to the House of Representatives.

H.B. 103 (Committee Substitute), a bill to strengthen the insurance fraud law, upon third reading.

The Committee Substitute bill passes its third reading (43-0) and is ordered enrolled.

RECONSIDERATION

S.B. 182 (Committee Substitute), a bill to provide that if a candidate died before the primary election, the estate of the candidate shall be entitled to a refund of the filing fee, which passed third reading on Thursday, April 13.

Senator Gulley offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered due to voting equipment printer malfunction, which motion prevails, and the question reverts to third reading.

With no further debate, the Committee Substitute bill passes its third reading (40-5) and is ordered sent to the House of Representatives.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to G.S. 113A-164.4, the North Carolina Department of Environment, Health and Natural Resources, Division of Parks and Recreation, submits the North Carolina Natural Heritage Program 1995 Biennial Report.

PAGES

The President recognizes the following pages serving in the Senate this week:

Pamela Dare Blizzard, Kenansville; George Edward Carver, Jr., Manteo; Marquis Charity, Manteo; Amanda Crumpton, Burlington; John Gray Currin III, Gibsonville; Nicole Michelle Fields, Manteo; Matthew S. Fulton, Pleasant Garden; Robin Kristen Johnstone, Goldsboro; Paige Kennerly, Fayetteville; Anna Catherine

Lewis, Charlotte; Keri Alaina McCall, Highlands; Mark L. McMurray, Charlotte; Nichol Overton, Manteo; Uday Palled, Fayetteville; Stacey Renee Parker, Bessemer City; Jennifer Nicole Price, Belmont; Nakia Durand Pledger, Manteo; Tolan Caswell Raynor, Belhaven; Hamal Strayhorn, Pollocksville; James Edward Tatum, Turkey; Tashia Tillett, Manteo; and Ricardo Vitalis, Pollocksville.

On motion of Senator Basnight, seconded by Senator Martin of Pitt, the Senate adjourns at 8:03 P.M. to meet tomorrow, Tuesday, April 18, at 3:00 P.M.

FORTY-EIGHTH DAY

SENATE CHAMBER,
Tuesday, April 18, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, in the midst of the great activities of this week, may we make a space for silence.

"In the midst of our pragmatic plans and programs may we make a space in our lives for You.

"For only by Your Presence may the deep places in our hearts be touched. Only in Your Light do we see who we really are. Be our guide this week, O Lord. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization; to Senator Plyler to attend a funeral; and to Senator Edwards.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, April 17, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Kenneth D. Call of Greenville, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 259 (Committee Substitute), a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense and to protect

merchants and peace officers from civil liability for detention or arrest of persons accused of larceny, with an unfavorable report as to Committee Substitute bill, as amended, having passed second reading on April 4, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill No. 2, 2604, is placed before the Senate for immediate consideration, and on his further motion is adopted.

The Chair rules the amendment rewriting the Committee Substitute bill in its entirety, Committee Substitute No. 2, not material and the measure is before the Senate upon third reading.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, April 19, for further consideration upon its third reading.

S.B. 594, a bill to repeal the sunset for the mediation program for the Industrial Commission, with a favorable report.

S.B. 279, a bill to clarify the authority of local boards of education to obtain property under the "quick take" procedure available to other local governments, with a favorable report.

By Senator Parnell for the **Commerce Committee:**

S.B. 437, a bill to repeal the sunset concerning government construction contracts, with a favorable report.

By Senator Ballance, Vice–Chairman, for Senator Gulley, Chairman, for the **Judiciary II/Election Laws Committee**:

S.B. 325, a bill to allow the district attorney's designee or a special prosecutor to request that an investigative grand jury be convened to consider certain alleged violations of the North Carolina Controlled Substances Act, with a favorable report.

S.B. 383, a bill to permit the use of the correction enterprises laundry operation in emergency situations and in the event of equipment malfunction or renovation at certain hospital laundries, with a favorable report.

H.B. 71, a bill to provide that fire fighters and emergency medical service personnel may possess or carry weapons on school grounds when discharging their official duties, with a favorable report, as amended.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 544, a bill to require that a public hearing be held prior to the approval of an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a transfer station, with a favorable report.

S.B. 483, a bill to require the inspection of bison meat that is to be used as food, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Committee Substitute bill 9576 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Wednesday, April 19, for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 8, an act to repeal the intangibles tax and to reimburse local governments for their resulting revenue loss. (Ch. 41)

H.B. 2 (Senate Committee Substitute), an act to reduce income taxes for the lower and middle-income people of North Carolina by increasing the personal exemption deduction by five hundred dollars and by allowing a tax credit of sixty dollars per dependent child. (Ch. 42)

H.B. 103 (Committee Substitute), an act to strengthen the insurance fraud law. (Ch. 43)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Warren and Martin of Pitt:

S.B. 748, a bill to clarify the law regarding the East Carolina University School of Medicine's use of certain receipts.

Referred to **Appropriations Committee.**

By Senators Hobbs, Kerr, Odom, Plexico, Martin of Pitt, Gulley, Rand, Winner, Carrington, East, and Warren:

S.B. 749, a bill to allow the use of single-prime and separate-prime contracts for building construction contracts.

Referred to **Judiciary I/Constitution Committee.**

By Senator Davis:

S.B. 750, a bill to prohibit the practices of limited voting and extension of terms.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Cooper, Hartsell, Davis, Forrester, Plyler, Allran, Carrington, Jordan, Hobbs, Parnell, Edwards, Albertson, Speed, Soles, Conder, Perdue, Ballance, Hoyle, Foxx, Plexico, Gulley, Sherron, Little, and Carpenter:

S.B. 751, a bill to provide that treatment or services rendered by certified fee-based practicing pastoral counselors shall be reimbursable under the State Health Plan and other health insurance policies under certain circumstances.

Referred to **Pensions & Retirement/Insurance/State Personnel Committee.**

By Senators Plexico and Carpenter:

S.B. 752, a bill to clarify the authority of counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district and to allow under certain circumstances the maintenance of public roads lying outside the district.

Referred to **Transportation Committee.**

By Senator Martin of Pitt:

S.B. 753, a bill to appropriate funds to the North Carolina Biotechnology Center for the Business Development Program.

Referred to **Appropriations Committee.**

By Senators Rand, Soles, Perdue, and Hobbs:

S.B. 754, a bill to allow motor vehicle dealers to include in their possessory liens amounts for rental of substitute vehicles and to allow lienors who purchase for value at a sale to acquire clear title to the same extent as other purchasers.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Rand, Plyler, and Perdue:

S.B. 755, a bill to change the designated legislative membership of the Committee on Employee Hospital and Medical Benefits.

Referred to **Rules and Operation of the Senate Committee.**

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee:**

S.B. 385, a bill to authorize the issuance of twenty–three million nine hundred thousand dollars of Community College bonds or notes and to appropriate the proceeds of these bonds and notes for specific community college capital projects, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

H.B. 206, a bill to incorporate the Village of Flat Rock, subject to a referendum, with a favorable report.

S.B. 65 (Committee Substitute), a bill to regulate check–cashing businesses, as written by the **Commerce Committee**, with a favorable report, as amended.

S.B. 555, a bill to increase the maximum fees that the North Carolina State Board of Dental Examiners may access, to move fee authorizations from separate sections to a general fee section, to eliminate a fee that is not needed, and to update statutory language on board annual meetings, with a favorable report, as amended.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 400, a bill to authorize the State Board of Certified Public Accountant Examiners to seek injunctive relief.

Referred to **Judiciary I/Constitution Committee.**

H.B. 520 (Committee Substitute), a bill to revise and consolidate the Charter of the Town of Waynesville.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 533, a bill relating to notices of lis pendens by the City of Winston-Salem.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 553, a bill to repeal a local act requiring Harnett County's animal control officers to perform their duties under the supervision and control of the Harnett County Health Director.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 595, a bill to provide for the nonpartisan election of the Craven County Board of Education.

Referred to **Local Government and Regional Affairs Committee.**

COMMITTEE REFERRAL RECALL

S.B. 656, a bill to provide districts for the Charlotte-Mecklenburg Board of Education and the Board of Commissioners of Mecklenburg County, referred to the **Local Government and Regional Affairs Committee** on April 11.

Pursuant to Rule 47(b), Senator Jordan offers a motion the bill be taken from the **Local Government and Regional Affairs Committee** and re-referred to the **Education/Higher Education Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Local Government and Regional Affairs Committee** and refers the measure to the **Education/Higher Education Committee.**

REMOVAL OF ENDORSEMENTS

S.B. 468, a bill to provide that the board of commissioners of any county having a county manager may assume direct control of any activities theretofore conducted by or through any commission, board, or agency appointed by the county commissioners or acting under and pursuant to authority of the board of county commissioners.

Senator Lucas and Senator Hoyle submit requests to withdraw their endorsement, which requests are granted with unanimous consent.

S.B. 607, a bill to require the University of North Carolina and North Carolina State University to play East Carolina University in football.

Senator Martin of Pitt requests to withdraw his endorsement, which request is granted with unanimous consent.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

The North Carolina Department of Revenue, along with the Office of State Controller, and the Office of State Budget and Management, submit the State of North Carolina Summary of Financial Condition, March 31, 1995.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 277, a bill to remove the fifty acre limitation on condemning property for a school site, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Rand, Sawyer, Shaw, Sherron, Soles, Speed, Warren, Webster, and Winner—44.

Voting in the negative: Senators Clark and Simpson—2.

The bill is ordered sent to the House of Representatives.

H.B. 122 (Committee Substitute), a bill to expand the allowable uses of transporter plates, to allow owners of salvage vehicles to retain title to the vehicles, and to exempt out-of-State utility vehicles that are used in certain emergency operations from the vehicle registration and road tax requirements, upon second reading.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, April 19, for further consideration upon third reading.

S.B. 53 (Committee Substitute), a bill to require the registration of persons convicted of certain criminal sexual offenses.

Senator Odom offers a motion the Committee Substitute bill be taken from the Calendar for today and re-referred to the **Appropriations Committee**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill re-referred to the **Appropriations Committee**.

S.B. 208, a bill to make technical and clarifying amendments as recommended by the Sentencing Commission.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (43-3) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 244 (Committee Substitute), a bill to provide for the summary administration of an estate where a surviving spouse is the sole beneficiary of the estate, as recommended by the General Statutes Commission.

The Committee Substitute bill passes its second (46–1) and third readings and is ordered sent to the House of Representatives.

H.B. 7 (Committee Substitute), a bill to restore constitutional powers to the State Board of Education and to make conforming and technical changes, changing the title, upon concurrence, to read **H.B. 7** (Senate Committee Substitute), a bill to clarify the Statutes so as to streamline the operations of the State education agency.

Following debate, Senator Perdue calls the previous question, seconded by Senator Rand. The call is sustained.

The Senate Committee Substitute bill passes its second (42–5) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 84, a bill to place time limits on options in gross and other interests in land, as recommended by the General Statutes Commission, upon third reading, with Amendment No. 1 and perfecting Amendment No. 2 pending.

Following lengthy debate, Amendment No. 2 amending Amendment No. 1 is adopted (30–17).

Amendment No. 1, as amended, is adopted (47–0).

The bill, as amended, passes its third reading (45–2) and is ordered engrossed and sent to the House of Representatives.

S.B. 258, a bill to clarify the record-keeping responsibilities of clerks of superior court in IV-D child support cases, upon third reading.

The bill passes its third reading (43–1) and is ordered sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 115
(Senate Committee Substitute)

House of Representatives
April 18, 1995

Mr. President:

The Speaker has ordered that a message be sent your Honorable Body with the information that the House has reconsidered the vote by which the House failed to concur in the Senate Committee Substitute to **HB 115**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPOINTMENT OF THE HALIFAX ABC BOARD AND TO PROVIDE THAT DISTRIBUTION OF REVENUE SHALL BE ACCORDING TO GENERAL STATUTE. The Speaker has dismissed the conferees, the House concurs and has ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

On motion of Senator Basnight, seconded by Senator Carrington, the Senate adjourns at 4:49 P.M. to meet tomorrow, Wednesday, April 19, at 1:30 P.M.

FORTY–NINTH DAY

SENATE CHAMBER,
Wednesday, April 19, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Grace and Glory, You have called us to great visions. Too often, though, we let petty matters sidetrack great dreams.

"You have called us to be brothers and sisters. Too often, though, we find it easier to find fault than offer grace.

"You have called us to be salt and light to the world. Too often, though, we have been content to be pale imitations that do not cause even a ripple.

"Help us to seek our great dreams, to act like the Family of God, and then to risk challenging the world. For Your Sake, we pray, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization; to Senator Plyler due to business; and to Senator Edwards.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, April 18, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. William W. Hedrick of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 232, an act to allow members of the Onslow County Board of Alcohol Control to serve three consecutive terms. (Ch. 44)

H.B. 115 (Senate Committee Substitute), an act to modify the appointment of the Halifax ABC Board and to provide that distribution of revenue shall be according to General Statute. (Ch. 45)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee:**

S.B. 546, a bill to allow cities to provide for a nonbinding presidential primary at the time of the municipal election so as to focus national attention and at least a part of the presidential debate on urban issues, with a favorable report.

S.B. 581, a bill to permit the City of Winston–Salem to provide that certain housing code complaints and orders may be served by regular mail in addition to registered or certified mail, with a favorable report.

S.B. 583, a bill to allow personal representatives of estates in the City of Winston–Salem to expend estate assets to prevent the waste of real property belonging to the estate, with a favorable report.

S.B. 600, a bill to provide staggered four–year terms for members of the Stanly County Board of Commissioners, with a favorable report.

S.B. 602, a bill to incorporate the Town of Foscoe–Grandfather, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee.**

S.B. 618, a bill relating to the employment preference given by Catawba County to veterans who apply for County employment, with a favorable report.

S.B. 636, a bill to modify the distribution of profits from the ABC system in the City of Hendersonville, with a favorable report.

S.B. 639, a bill to allow the City of Hendersonville to donate unclaimed bicycles to charity, with a favorable report.

S.B. 654, a bill authorizing a one–step service process in specified housing code cases in the City of Asheville, with a favorable report.

S.B. 663, a bill making a qualified exception for the City of Wilmington and New Hanover County from the Public Records Act for certain geographical information systems, with a favorable report.

By Senator Rand for the **Rules and Operation of the Senate Committee:**

S.B. 755, a bill to change the designated legislative membership of the Committee on Employee Hospital and Medical Benefits, with a favorable report.

H.B. 527, a bill to divide Superior Court District 11 into Districts 11A and 11B, with a favorable report.

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 306, a bill recommended by the Child Fatality Task Force to appropriate funds for additional foster care licensing and placement workers, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

S.B. 379, a bill recommended by the Legislative Research Commission's Study Committee on the Juvenile Code to allow courts to order psychiatric or psychological treatment of parents of juveniles adjudicated delinquent, undisciplined, abused, neglected, or dependent at the dispositional hearings or subsequent hearings and to provide for notice, with a favorable report.

By Senator Perdue for the **Appropriations Committee**:

S.B. 99 (Committee Substitute), a bill to grant additional management flexibility to local boards of education, to assess the relationship between expenditures for public schools and student performance, and to make conforming statutory changes, as written by the **Education/Higher Education Committee**, with a favorable report.

On motion of Senator Perdue, the rules are suspended and the Committee Substitute bill is placed at the end of today's Calendar for consideration upon its passage.

S.B. 695, a bill to create the Blue Ribbon Study Commission on Agriculture Waste, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 7629 is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, on motion of Senator Perdue the Committee Substitute bill is placed at the end of today's Calendar for further consideration.

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee:**

S.B. 406, a bill to provide for the distribution of copies of certain publications to the State Personnel Commission and to the Office of State Personnel, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

S.B. 405, a bill to amend the State Personnel Act relating to the definition of career State employee, the grounds for State employee appeals, the investigatory duties of the Office of State Personnel, and the priority consideration of State employees in filling vacancies; to provide for the adoption of an alternative dispute resolution procedure by the State Personnel Commission; and to allow alternative observance of the New Year's Holiday, with a favorable report, as amended.

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 287 (Committee Substitute), a bill to amend the law regarding statutory rape and the age of consent, with an unfavorable report as to Committee Substitute bill written by the **Judiciary I/Constitution Committee**, and having passed second reading on April 4, with Amendment No. 1 pending which proposes to change the title to read **S.B. 287** (Committee Substitute), a bill to create offenses of statutory rape and statutory sexual offense against victims who are thirteen, fourteen, or fifteen years old, and held to be material, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill No. 2, 5609, which changes the title to read **S.B. 287** (Committee Substitute No. 2), a bill to create offenses of statutory rape and statutory sexual offense against victims who are thirteen, fourteen, or fifteen years old, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill No. 2 is adopted.

The Chair rules the amendment, Committee Substitute bill No. 2, material, its adoption constitutes first reading, and orders the measure placed on the Calendar for Thursday, April 20, upon second reading.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Martin of Pitt:

S.B. 756, a bill permitting local boards of education to remove or refuse admission to certain older students and pay those students' costs of attending community college.

Referred to **Education/Higher Education Committee.**

By Senators Soles, Conder, Parnell, and Ballance:

S.B. 757, a bill to appropriate funds for the North Carolina Future Farmers of America Center.

Referred to **Appropriations Committee.**

By Senators Blackmon, Sherron, Webster, and Foxx:

S.B. 758, a bill to prohibit discrimination in prescription drug pricing, to prohibit cost shifting by manufacturers and sellers of pharmaceutical drugs, and to provide consumers the freedom of choosing the pharmacy at which to redeem a prescription drug benefit.

Referred to **Commerce Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Speed, Davis, Parnell, Ballance, Carpenter, Albertson, Carrington, Clark, Foxx, and Forrester:

S.B. 759, a bill to prohibit the unfair business practice of pricing cigarettes below cost.

Referred to **Commerce Committee** and upon a favorable report, re–referred to the **Finance Committee**.

By Senators Speed, Soles, Warren. Davis, Carpenter, and Carrington:

S.B. 760, a bill granting enforcement officers of the Division of Motor Vehicles the authority to assist in the enforcement of laws when a crime has been committed in their presence and to authorize registration plates for their vehicles.

Referred to **Transportation Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Conder:

S.B. 761, a bill to authorize counties and cities to collect debts through the Setoff Debt Collection Act.

Referred to **Finance Committee.**

By Senator Rand:

S.B. 762, a bill to eliminate appeals of right to the Supreme Court from decisions of the Court of Appeals in a case in which there is a dissent.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Rand:

S.B. 763, a bill to allocate the duties of roller skating rink operators and the duties of roller skaters at roller skating rinks as these duties relate to safety and liability for personal injury.

Referred to **Judiciary II/Election Laws Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 314 (Committee Substitute No. 2), a bill to amend the law relating to Mount Airy's Firefighters' Supplementary Fund.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

H.B. 513 (Committee Substitute No. 2), a bill to increase the monthly benefit for retired Charlotte firefighters.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

H.B. 529 (Committee Substitute), a bill to authorize the Recreation Commission of the Town of Lincolnton to convey by private sale certain property to the City of Lincolnton.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 543 (Committee Substitute), a bill making a qualified exception from the Public Records Act for the Dare County Geographical Information System.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 546 (Committee Substitute), a bill to permit one-stop voting on direct record voting equipment with retrievable ballots in Gaston, Guilford, Mecklenburg, and Union Counties.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 593, a bill to incorporate the Town of Bogue.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 740, a bill to facilitate the transfer of academic credit from community college programs to four-year college programs.

Referred to **Education/Higher Education Committee.**

H.B. 750 (Committee Substitute), a bill to allow the use of State trucks and vans for the State Games of North Carolina.

Referred to **Transportation Committee.**

CALENDAR

Bills on the Calendar are taken up and dispensed of, as follows:

S.B. 594, a bill to repeal the sunset for the mediation program for the Industrial Commission.

With unanimous consent, on motion of Senator Cooper, the bill is taken up out of its regular order of business and re-referred to the **Appropriations Committee.**

S.B. 483 (Committee Substitute), a bill to require the inspection of bison meat that is to be used as food.

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill is taken up out of its regular order of business and re-referred to the **Finance Committee.**

WITHDRAWAL FROM CALENDAR

S.B. 581, a bill to permit the City of Winston-Salem to provide that certain housing code complaints and orders may be served by regular mail in addition to registered or certified mail, reported from the **Local Government and Regional Affairs Committee** earlier today and ordered placed on the Calendar for Thursday, April 20.

Senator Horton offers a motion the bill be taken from the Calendar for April 20, and recommitted to the **Local Government and Regional Affairs Committee,** which motions prevail with unanimous consent.

The Chair orders the bill taken from the Calendar for April 20, and recommitted to the **Local Government and Regional Affairs Committee.**

CALENDAR (Continued)

H.B. 206, a bill to incorporate the Village of Flat Rock, subject to a referendum, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Thursday, April 20, for further consideration upon third reading.

H.B. 122 (Committee Substitute), a bill to expand the allowable uses of transporter plates, to allow owners of salvage vehicles to retain title to the vehicles, and to exempt out-of-State utility vehicles that are used in certain emergency operations from the vehicle registration and road tax requirements, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: Senator Clark—1.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 544, a bill to require that a public hearing be held prior to the approval of an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a transfer station.

With unanimous consent, on motion of Senator Perdue, the bill is taken up out of its regular order of business and referred to the **Appropriations Committee**.

S.B. 65 (Committee Substitute), a bill to regulate check-cashing businesses, upon second reading.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

On motion of Senator Odom, the Chair orders, without objection, the Committee Substitute bill, as amended, temporarily displaced.

S.B. 279, a bill to clarify the authority of local boards of education to obtain property under the "quick take" procedure available to other local governments, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Davis, East, Forrester, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—38.

Voting in the negative: Senators Ballantine, Carrington, Clark, Foxx, McDaniel, Page, and Webster—7.

The bill is ordered placed on the Calendar for tomorrow, Thursday, April 20, for further consideration upon third reading.

S.B. 325, a bill to allow the district attorney's designee or a special prosecutor to request that an investigative grand jury be convened to consider certain alleged violations of the North Carolina Controlled Substances Act.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 383, a bill to permit the use of the correction enterprises laundry operation in emergency situations and in the event of equipment malfunction or renovation at certain hospital laundries.

The bill passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

S.B. 437, a bill to repeal the sunset concerning government construction contracts.

Senator Hobbs offers Amendment No. 1.

Following debate, on motion of Senator Blackmon, further consideration of the bill is postponed until Thursday, April 20, with Amendment No. 1 pending.

S.B. 555, a bill to increase the maximum fees that the North Carolina State Board of Dental Examiners may access, to move fee authorizations from separate sections to a general fee section, to eliminate a fee that is not needed, and to update statutory language on board annual meetings.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (39–7) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 71, a bill to provide that fire fighters and emergency medical service personnel may possess or carry weapons on school grounds when discharging their official duties.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 71**, a bill to provide that fire fighters, emergency service personnel and North Carolina forest service personnel may possess or carry weapons on school grounds when discharging their official duties.

The bill, as amended, passes its second (46–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 99 (Committee Substitute), a bill to grant additional management flexibility to local boards of education, to assess the relationship between expenditures for public schools and student performance, and to make conforming statutory changes, reported from the **Appropriations Committee** earlier today.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 478, a bill to coordinate enforcement of federal nursing home requirements with State requirements, with a favorable report.

S.B. 82 (Committee Substitute), a bill to increase the amount of property collectible by small estate affidavit where the sole heir and/or devisee is the surviving spouse, to increase the minimum amount of intestate personal property passing to the surviving spouse, and to increase the amount of the year's allowance for a surviving spouse and children, as recommended by the General Statutes Commission, and to increase the limitation for funeral expenses, as written by the **Judiciary II/Election Laws Committee**, with a favorable report, as amended.

S.B. 294 (Committee Substitute), a bill to limit the issuance and renewal of barber certificates, permits, and licenses, to establish late fees for expired

certificates, to make certain revisions to the law governing the Board of Barber Examiners and the sanitary rules, and to make conforming changes to the Cosmetic Art Act, as written by the **Children and Human Resources Committee**, with a favorable report, as amended.

S.B. 407, a bill to exempt boat and farm trailers from the payment of the Global TransPark temporary zone vehicle registration tax, with a favorable report, as amended.

CALENDAR (Continued)

S.B. 99 (Committee Substitute), a bill to grant additional management flexibility to local boards of education, to assess the relationship between expenditures for public schools and student performance, and to make conforming statutory changes, temporarily displaced earlier.

The Committee Substitute bill passes its second (44–0) and third readings and is ordered sent to the House of Representatives.

S.B. 695 (Committee Substitute), a bill to create the Blue Ribbon Study Commission on Agriculture Waste, reported from the **Appropriations Committee** earlier today.

The bill passes its second (43–1) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 259 (Committee Substitute No. 2), a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense and to protect merchants and peace officers from civil liability for detention or arrest of persons accused of larceny, upon third reading.

The Committee Substitute No. 2 bill passes its third reading (43–1) and is ordered sent to the House of Representatives.

S.B. 65 (Committee Substitute), a bill to regulate check–cashing businesses, as amended, temporarily displaced earlier.

Following debate, on motion of Senator Rand, further consideration of the Committee Substitute bill, as amended, is postponed until Thursday, April 20.

COMMITTEE APPOINTMENTS

Legislative Committee on New Licensing Boards

Pursuant to G.S. 120–149.6, the President *Pro Tempore* announces the following appointments:

Senator Parnell (Chairman), Senator Ballance, Senator Hobbs, Senator Smith, and Senator Soles.

Senator Ledbetter is appointed to represent Senator Smith in his absence.

On motion of Senator Basnight, seconded by Senator Jordan, the Senate adjourns at 3:18 P.M. to meet tomorrow, Thursday, April 20, at 1:30 P.M.

FIFTIETH DAY

SENATE CHAMBER,
Thursday, April 20, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"'A voice was heard in Ramah,' wrote the Prophet Jeremiah, 'wailing and loud lamentation; Rachel weeping for her children; she refused to be consoled, because they are no more.'

"We turn our thoughts and prayers today to the people in Oklahoma City whose lives have been devastated by the senseless and horrific act of murder that occurred yesterday. We are all affected, O God.

"In the midst of our corporate lament, we try to reconcile our declaration that You are all powerful, You are all good and yet terrible things happen. The problem of evil is perhaps the greatest single problem for our religious faith. No explanation will seem plausible to the parents of a child who has been murdered. For those of us who believe in You, the answer remains a dark and awful mystery.

"Be especially close to our brothers and sisters who are waking today hoping that yesterday was only a very bad dream. Rescue those who are still alive but trapped in the ruins of that building. Permit the people there and all of us, O Lord, the experience of grief, anger, even emotional revenge until one day through catharsis we are able to say, as Joseph did to his brothers who had sold him into slavery, 'You meant it for evil, but God used it for good.' Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization, and to Senator Plexico.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, April 19, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Robert A. Watson of Elon College, who is serving the Senate as Doctor of the Day.

CALENDAR

S.B. 437, a bill to repeal the sunset concerning government construction contracts, with Amendment No. 1 pending.

With unanimous consent, on motion of Senator Sherron, the rules are suspended and the bill, with Amendment No. 1 pending, is taken from its regular order of business and placed at the beginning of today's Calendar as the first order of business.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 120, an act to provide uniform tax treatment of North Carolina obligations and federal obligations. (Ch. 46)

S.B. 146 (Committee Substitute), an act to amend the North Carolina Seed Law. (Ch. 47)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee:**

S.B. 649, a bill to authorize sweet potato assessments to be paid by producers of sweet potatoes, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee.**

By Senator Parnell for the **Commerce Committee:**

S.B. 332, a bill to raise the maximum late payment charge for revolving credit loans, with a favorable report.

S.B. 408, a bill to allow equity line of credit agreements to have terms greater than fifteen years and to establish a procedure for extending equity line of credit loan agreements, with a favorable report.

H.B. 304 (Committee Substitute), a bill to create a State Procurement Policy Council, with a favorable report.

By Senator Sherron for the **Finance Committee:**

S.B. 291, a bill to exempt certain nonprofit organizations from paying the license tax for specialty market operators, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill A597 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Sherron, the Committee Substitute bill is placed on the Calendar for Monday, April 24, for further consideration.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Martin of Pitt:

S.B. 764, a bill to make adjustments in the Deer Management Assistance Program of the Wildlife Resources Commission.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Sherron, Warren, Parnell, Plexico, Conder, Jordan, Odom, Hobbs, and McKoy:

S.B. 765, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill and to amend Chapter 451 of the 1993 Session Laws regarding a wholly self–liquidating project at the University of North Carolina at Greensboro.

Referred to **Finance Committee.**

By Senators Albertson, Warren, Gulley, and Carpenter:

S.B. 766, a bill to provide service partnerships for private industry with Correction Enterprises.

Referred to **Commerce Committee.**

By Senator Albertson:

S.B. 767, a bill to establish an automatic annual salary increase for protectors of the North Carolina Wildlife Resources Commission.

Referred to **Appropriations Committee.**

By Senators Hoyle, Conder, Blackmon, Forrester, Martin of Pitt, Albertson, Perdue, Plyler, Kincaid, Simpson, Foxx, Davis, Warren, Plexico, Kerr, Rand, East, Ballance, Ballantine, Hobbs, Odom, Cooper, Clark, Sherron, and Cochrane:

S.B. 768, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources to improve the sanitation program for food and lodging establishments, to amend the inspection and grading requirements, and to increase the membership of the Commission for Health Services.

Referred to **Appropriations Committee.**

By Senators Horton and Sawyer:

S.B. 769, a bill to make it a felony to commit an assault or an affray on an emergency medical services technician, emergency department nurse, or emergency department physician.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Kerr:

S.B. 770, a bill to require a determination of the appropriate reading/writing medium for each visually impaired student and to appropriate funds.

Referred to **Education/Higher Education Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Cooper:

S.B. 771, a bill to clarify the status of independent contractors of public hospitals.

Referred to **Judiciary I/Constitution Committee.**

By Senator Cooper:

S.B. 772, a bill to remove the sunset from the Office of Administrative Hearings Mediation Program.

Referred to **Judiciary I/Constitution Committee.**

By Senators McKoy, Forrester, Lucas, and Jordan:

S.B. 773, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources to increase efforts to prevent AIDS.

Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 774, a bill to appropriate funds for improvements at the site of the North Carolina Indian Cultural Center.

Referred to **Appropriations Committee.**

By Senators Allran, Conder, Gulley, Lucas, Warren, and Cochrane:

S.B. 775, a bill to define clients eligible for "Willie M." services, to authorize the adoption of rules to determine eligibility, to ensure the provision of services, and to provide for contested case hearing provision.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Judiciary I/Constitution Committee.**

By Senator Carpenter:

S.B. 776, a bill to establish a task force to determine a minimum reimbursement rate for Adult Developmental Activity Programs (ADAP).

Referred to **Appropriations Committee.**

By Senators Winner and Plexico:

S.B. 777, a bill to appropriate funds for the University of North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Winner and Plexico:

S.B. 778, a bill to appropriate funds for the North Carolina Community College System.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Winner and Plexico:

S.B. 779, a bill to appropriate funds for the public schools.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Hobbs:

S.B. 780, a bill to amend the law regarding license renewal for nursing homes.

Referred to **Children and Human Resources Committee.**

By Senators Ledbetter, Albertson, Clark, Horton, Shaw, Speed, Soles, Martin of Pitt, East, Davis, Little, Foxx, Plexico, Ballance, and Carpenter:

S.B. 781, a bill to appropriate funds to continue funding of three soil specialist positions in the Division of Soil and Water Conservation in the Department of Environment, Health, and Natural Resources.

Referred to **Appropriations Committee.**

By Senator Gulley:

S.B. 782, a bill to make changes to the General Statutes pertaining to domestic violence.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Gulley, Ballantine, Rand, Hoyle, Davis, Lucas, and East:

S.B. 783, a bill provide for the forfeiture of property owned by persons participating in nuisances on the property involving the sale or use of narcotic drugs.

Referred to **Judiciary II/Election Laws Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee:**

S.B. 582, a bill to permit the City of Winston–Salem to regulate by ordinance the possession of malt beverages and unfortified wine, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Jordan, the rules are suspended, and the proposed Committee Substitute bill 1649, which changes the title to read **S.B. 582** (Committee Substitute), a bill to permit the Cities of Winston–Salem and Wilmington and New Hanover County to regulate by ordinance the possession of malt beverages and unfortified wine, is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Jordan, the Committee Substitute bill is placed on the Calendar for Monday, April 24, for further consideration.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 213 (Committee Substitute), a bill concerning the collection of delinquent truck penalties and assessed taxes and the consolidation of the various provisions concerning overweight vehicles.

Referred to **Transportation Committee.**

H.B. 471, a bill to repeal local acts applicable to the City of Charlotte or to both the City of Charlotte and the County of Mecklenburg.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 666, a bill to change the pay date for the Cherokee County schools.

Referred to **Education/Higher Education Committee.**

H.B. 668, a bill to change the manner of election of the Alamance County Board of Education from nonpartisan election at the time of the primary to nonpartisan election at the time of the general election.

Referred to **Judiciary II/Election Laws Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 433, a bill to authorize the City of Charlotte to submit proposals and receive contracts for construction and repair work not to exceed two hundred thousand dollars.

With unanimous consent, on motion of Senator Winner, the bill is taken up out of its regular order of business and consideration is postponed until Wednesday, April 26.

COMMITTEE REFERRAL RECALL

S.B. 274, a bill to require the Board of Governors of the University of North Carolina to study the teacher education programs offered at each constituent university and to determine how those programs may be improved, referred to the **Education/Higher Education Committee** on February 28.

Pursuant to Rule 47(b), Senator Winner offers a motion the bill be taken from the **Education/Higher Education Committee** and re-referred to the **Appropriations Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Education/Higher Education Committee** and re-referred to the **Appropriations Committee.**

CALENDAR (Continued)

S.B. 437, a bill to repeal the sunset concerning government construction contracts, with Amendment No. 1 pending, placed earlier today as the first order of business.

Amendment No. 1, offered by Senator Hobbs on April 19, is adopted.

The bill, as amended, passes its second reading (41-2).

Senator Blackmon objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the bill, as amended, placed on the Calendar for Monday, April 24, for further consideration upon third reading.

H.B. 206, a bill to incorporate the Village of Flat Rock, subject to a referendum, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Rand, Shaw, Sherron, Simpson, Speed, Webster, and Winner—44.

Voting in the negative: None.

The bill is ordered enrolled.

RECONSIDERATION

S.B. 437, a bill to repeal the sunset concerning government construction contracts, as amended, placed earlier today on the Calendar for Monday, April 24, upon third reading.

Senator Sherron offers a motion that the vote by which the bill, as amended, passed its second reading be reconsidered, which motion prevails, and the question becomes passage of the measure upon second reading.

Senator Sherron offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails, and the question becomes the adoption of Amendment No. 1.

With unanimous consent, Senator Hobbs withdraws Amendment No. 1 and, subsequently, offers Amendment No. 2 which is adopted (48–0).

The bill, as amended, passes its second (47–0) and third readings and is ordered engrossed and sent to the House of Representatives.

CALENDAR (Continued)

S.B. 583, a bill to allow personal representatives of estates in the City of Winston–Salem to expend estate assets to prevent the waste of real property belonging to the estate.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 600, a bill to provide staggered four–year terms for members of the Stanly County Board of Commissioners.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 618, a bill relating to the employment preference given by Catawba County to veterans who apply for County employment.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 636, a bill to modify the distribution of profits from the ABC system in the City of Hendersonville.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 639, a bill to allow the City of Hendersonville to donate unclaimed bicycles to charity.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 654, a bill authorizing a one–step service process in specified housing code cases in the City of Asheville.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 663, a bill making a qualified exception for the City of Wilmington and New Hanover County from the Public Records Act for certain geographical information systems.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 279, a bill to clarify the authority of local boards of education to obtain property under the "quick take" procedure available to other local governments, upon third reading.

The bill passes its third reading by roll–call vote, ayes 41, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plyler, Rand, Sawyer, Shaw, Simpson, Soles, Speed, Warren, and Winner—41.

Voting in the negative: Senators Ballantine, Clark, Foxx, McDaniel, Page, and Webster—6.

The bill is ordered sent to the House of Representatives.

S.B. 65 (Committee Substitute), a bill to regulate check-cashing businesses, as amended, upon second reading.

Senator Horton offers Amendment No. 2 which is adopted (45–2).

Senator Ballantine offers Amendment No. 3 which fails of adoption (7–40).

With unanimous consent, a leave of absence is granted Senator Sherron for the remainder of today's Session.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 39, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Parnell, Perdue, Plyler, Rand, Sawyer, Shaw, Simpson, Soles, Speed, Warren, and Winner—39.

Voting in the negative: Senators Clark, Davis, East, Little, McDaniel, Odom, Page, and Webster—8.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, April 24, for further consideration upon third reading.

S.B. 82 (Committee Substitute), a bill to increase the amount of property collectible by small estate affidavit where the sole heir and/or devisee is the surviving spouse, to increase the minimum amount of intestate personal property passing to the surviving spouse, and to increase the amount of the year's allowance for a surviving spouse and children, as recommended by the General Statutes Commission, and to increase the limitation for funeral expenses.

Without objection, Committee Amendment No. 1 is adopted.

With unanimous consent, Senator Jordan is excused from voting.

The Committee Substitute bill, as amended, passes its second reading (46–0).

Senator Hartsell objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill, as amended, placed on the Calendar for Monday, April 24, for further consideration upon third reading.

S.B. 287 (Committee Substitute No. 2), a bill to create offenses of statutory rape and statutory sexual offense against victims who are thirteen, fourteen, or fifteen years old.

The Committee Substitute No. 2 bill passes its second (41–5) and third readings and is ordered sent to the House of Representatives.

S.B. 294 (Committee Substitute), a bill to limit the issuance and renewal of barber certificates, permits, and licenses, to establish late fees for expired certificates, to make certain revisions to the law governing the Board of Barber Examiners and the sanitary rules, and to make conforming changes to the Cosmetic Art Act.

With unanimous consent, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (45–1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 379, a bill recommended by the Legislative Research Commission's Study Committee on the Juvenile Code to allow courts to order psychiatric or psychological treatment of parents of juveniles adjudicated delinquent, undisciplined, abused, neglected, or dependent at the dispositional hearings or subsequent hearings and to provide for notice.

The President relinquishes the gavel to the President Pro Tempore, who presides.

The bill passes its second (39–8) and third readings and is ordered sent to the House of Representatives.

S.B. 405, a bill to amend the State Personnel Act relating to the definition of career State employee, the grounds for State employee appeals, the investigatory duties of the Office of State Personnel, and the priority consideration of State employees in filling vacancies; to provide for the adoption of an alternative dispute resolution procedure by the State Personnel Commission; and to allow alternative observance of the New Year's Holiday.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

Senator Webster offers a motion to re–refer the bill, as amended, to the **Judiciary II/Election Laws Committee**, which motion fails to prevail (17–27).

The President Pro Tempore relinquishes the gavel to the President, who presides.

The bill, as amended, passes its second reading (43–3).

Senator Soles objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the bill, as amended, placed on the Calendar for Monday, April 24, for further consideration upon third reading.

S.B. 407, a bill to exempt boat and farm trailers from the payment of the Global TransPark temporary zone vehicle registration tax.

With unanimous consent, Committee Amendment No. 1 is adopted, changing the title to read **S.B. 407**, a bill to exempt trailers from the payment of the Global TransPark temporary zone vehicle registration tax.

The bill, as amended, passes its second (46–0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 478, a bill to coordinate enforcement of federal nursing home requirements with State requirements.

The bill passes its second reading (45–0).

Senator Kerr objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, April 24, for further consideration upon third reading.

S.B. 546, a bill to allow cities to provide for a nonbinding presidential primary at the time of the municipal election so as to focus national attention and at least a part of the presidential debate on urban issues.

With unanimous consent, on motion of Senator Gulley, the bill is recommitted to the **Local Government and Regional Affairs Committee.**

S.B. 755, a bill to change the designated legislative membership of the Committee on Employee Hospital and Medical Benefits.

With unanimous consent, on motion of Senator Rand, consideration of the bill is postponed until Wednesday, April 26.

H.B. 527, a bill to divide Superior Court District 11 into Districts 11A and 11B.

With unanimous consent, on motion of Senator Rand, consideration of the bill is postponed until Wednesday, April 26.

RESOLUTIONS FROM OTHER STATES

The following resolutions received April 20, from other Legislative Bodies are presented to the Senate and are ordered filed in the Office of the Principal Clerk with the papers of the Senate.

Arizona House Concurrent Resolution 2015, regarding the Tenth Amendment to the United States Constitution and asserting the sovereignty of the State of Arizona. (*See Appendix*)

Texas Senate Concurrent Resolution No. 24, petitioning the Congress of the United States of America to propose to the states an amendment to the United States Constitution, protecting the American flag and 50 state flags from willful desecration and exempting such desecration from constitutional construction as a First Amendment right. (*See Appendix*)

On motion of Senator Basnight, seconded by Senator Ledbetter, the Senate adjourns at 3:23 P.M. to meet Monday, April 24, at 7:00 P.M.

FIFTY-FIRST DAY

SENATE CHAMBER,
Monday, April 24, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, we pray that the Senators and staff have returned from their homes rested and renewed.

"Let us not be frustrated or intimidated by the tasks that confront us this week—instead we give You thanks that You will match us to the hour.

"Help us resolve, God helping us, always to be part of the answer and never a part of the problem.

"We ask that You be especially close and grant a special measure of Your comfort and healing to Senator C. R. Edwards and family in the loss of his wife.

"We pray in Your Holy Name. Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Smith due to hospitalization and to Senator Edwards due to the death of his wife.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, April 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Warner Hall of Raleigh, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 165, a bill to mandate criminal history checks of child day care providers, to study the use of the Central Registry on Child Abuse and Neglect, and to appropriate funds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 7635 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

S.B. 245, a bill to authorize the opening of empty lock boxes of decedents outside the presence of the Clerk of Superior Court, as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 4596 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Tuesday, April 25, for further consideration.

By Senator Plexico for the **Education/Higher Education Committee**:

S.B. 303, a bill to provide for removal of members of State Board of Community Colleges after unexcused absences from three consecutive scheduled Board meetings, with a favorable report.

S.B. 467, a bill to implement the recommendation of the Joint Legislative Education Oversight Committee to establish a uniform reversion rate under the UNC Management Flexibility and Accountability Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plexico, the rules are suspended, and the proposed Committee Substitute bill 8610 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, on motion of Senator Plexico, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 470, a bill to create the Good Funds Settlement Act, with a favorable report.

S.B. 307, a bill to authorize sanitary districts to have the right to immediate possession of certain property acquired by eminent domain, with a favorable report, as amended.

S.B. 577, a bill to amend the educational requirements for certified public accountants, with a favorable report, as amended.

S.B. 521, a bill relating to notices of *lis pendens* by the City of Reidsville, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 7639, which changes the title to read **S.B. 521** (Committee Substitute), a bill to provide for the filing of notices of *lis pendens* in the enforcement of housing and building standards by cities and counties, is placed before the Senate for immediate consideration.

The Chair rules the adoption of the Committee Substitute bill changes the local bill to a public bill.

On motion of Senator Gulley, the Committee Substitute bill is adopted, and on his further motion the Committee Substitute bill is placed on the Calendar for Tuesday, April 25, for further consideration.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Forrester, Perdue, Rand, Cochrane, and Conder:

S.B. 784, a bill to implement certain health care reform recommendations of the North Carolina Health Planning Commission.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators McKoy and Sherron:

S.B. 785, a bill to appropriate funds for the renovation of the former Fuquay-Varina Elementary School's gymnasium for use as a community center.

Referred to **Appropriations Committee.**

By Senators Hartsell, Forrester, and Dannelly:

S.B. 786, a bill to amend the professional corporation act to allow collaborative practices between and among physicians and mid–level health care providers.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Albertson:

S.B. 787, a bill to appropriate funds to the Salemburg Volunteer Fire Department.

Referred to **Appropriations Committee.**

By Senators McDaniel, Page, Ballantine, McKoy, East, Clark, Ledbetter, Webster, Sawyer, Horton, Carrington, Foxx, Kincaid, Forrester, Hartsell, Allran, Simpson, Shaw, Carpenter, and Cochrane:

S.B. 788, a bill (1) to provide for parental review of and to place certain restrictions on any instruction on sexually transmitted diseases or out–of–wedlock pregnancy given as part of a comprehensive school health program; (2) to make changes to the appointments to the State School Health Advisory Committee; (3) to require public schools to offer an abstinence until marriage program; and (4) to authorize local school boards to offer comprehensive sex education when certain requirements concerning review and local approval are satisfied.

Referred to **Education/Higher Education Committee.**

By Senator McDaniel:

S.B. 789, a bill to amend the law with respect to authorized copying costs for medical records.

Referred to **Judiciary I/Constitution Committee.**

By Senators McDaniel and Gulley:

S.B. 790, a bill to ensure the accessibility of voter registration to in–State individuals entering postsecondary institutions in North Carolina.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Gulley:

S.B. 791, a bill to add to the modes of election that may be chosen locally for city and county governments the following: limited voting, cumulative voting, and preference voting.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Soles:

S.B. 792, a bill to provide that the forfeiture roll for bail bonds ordered forfeited in the district court may be heard in the district court.

Referred to **Judiciary I/Constitution Committee.**

By Senator Soles:

S.B. 793, a bill to provide for the release of pharmacy records for the purpose of obtaining reimbursement, to define "State or Local Law Enforcement Agency" under the controlled substance tax, to provide regulation of locations shipping, mailing, or delivering devices or medical equipment to North Carolina residents, to conform the North Carolina product selection law to Medicaid requirements, and

to allow investigative employees of the North Carolina Board of Pharmacy to carry firearms and to require these employees to complete a training program for the use of firearms.

Referred to **Judiciary I/Constitution Committee.**

By Senators Plexico and Winner:

S.B. 794, a bill to appropriate funds for the public schools.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Plexico and Winner:

S.B. 795, a bill to appropriate funds for the North Carolina Community College System.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Plexico and Winner:

S.B. 796, a bill to appropriate funds for the University of North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Hoyle:

S.B. 797, a bill to provide that the per gallon excise tax on diesel fuel shall be paid partly at the pump and partly either by making an additional payment when a motor carrier report is filed or by payment of an annual registration tax.

Referred to **Finance Committee.**

By Senators Cochrane, Forrester, Hartsell, Hoyle, Kerr, and Kincaid:

S.B. 798, a bill authorizing sanitary districts to provide streets and law enforcement services.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Kerr, Albertson, Carrington, Cooper, Edwards, Gulley, Hobbs, Hoyle, Kincaid, Martin of Pitt, Parnell, Perdue, Speed, Warren, and Hartsell:

S.B. 799, a bill to establish the Local Infrastructure Trust Fund.

Referred to **Appropriations Committee.**

By Senator Perdue:

S.B. 800, a bill to restructure the public school system.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Perdue:

S.B. 801, a bill to restructure the public school system.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Rand, Conder, Cooper, Gulley, Hoyle, Martin of Guilford, Warren, Horton, Plyler, Jordan, Hobbs, Odom, Simpson, and Sawyer:

S.B. 802, a bill to define a professional firefighter's employee retirement classification and benefit accrual rate for members and beneficiaries of the Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Rand, Perdue, Hoyle, and Martin of Guilford:
S.B. 803, a bill to allow the practice of dentistry in nursing homes.
Referred to **Children and Human Resources Committee.**

By Senators Rand and Edwards:
S.B. 804, a bill to expand the scope of the Environmental Policy Act by requiring the preparation of an environmental impact statement for certain packing and processing facilities located within one mile of certain rivers of this State and significantly affecting the water quality of the river.
Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Kerr, Gulley, Odom, Hobbs, Hartsell, Rand, Winner, Cooper, Martin of Pitt, and Soles:
S.B. 805, a bill to appropriate funds for capital improvements at the University of North Carolina at Chapel Hill School of Law.
Referred to **Appropriations Committee.**

By Senator Perdue:
S.B. 806, a bill to authorize the issuance of twenty–three million nine hundred thousand dollars of community college bonds or notes and to appropriate the proceeds of these bonds and notes for specific community college capital projects and to appropriate funds for community college capital projects.
Referred to **Finance Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senator Perdue:
S.B. 807, a bill authorizing counties to participate in local vocational training and employment opportunity initiatives through the creation of regional vocational services authorities.
Referred to **Children and Human Resources Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Ballance:
S.B. 808, a bill to regulate the after–death sales of cemetery merchandise or services at the residence of the deceased.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Ballance and Hartsell:
S.B. 809, a bill to provide for ex parte funding for mental health experts in capital and noncapital trials.
Referred to **Judiciary II/Election Laws Committee.**

By Senator Carpenter:
S.B. 810, a bill to appropriate funds to the Department of Crime Control and Public Safety to establish and support the North Carolina Airborne High Level Rescue and Extrication Program.
Referred to **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution which is read the first time and disposed of, as follows:

H.J.R. 226 (Committee Substitute), a joint resolution honoring the 1993–94 Women's Basketball Team at the University of North Carolina at Chapel Hill for winning a national championship and honoring the memory of June Galloway and Mike Matheson.

On motion of Senator Hobbs, the rules are suspended without objection, and the House joint resolution is placed before the Senate for immediate consideration.

Senator Basnight, President *Pro Tempore*, appoints Senator Hobbs and all graduates of the University of North Carolina—Senator Ballantine, Senator Cooper, Senator Dannelly, Senator Forrester, Senator Foxx, Senator Hartsell, Senator Horton, Senator Kerr, Senator McDaniel, Senator Odom, Senator Rand, Senator Shaw, Senator Soles, and Senator Webster—to escort the 1994 National Collegiate Athletic Association Division I Champion Women's Basketball Team and coaches from the University of North Carolina at Chapel Hill to the Well of the Senate. The Senate receives the guests standing.

The Chair directs the Reading Clerk to read, as follows:

H.J.R. 226, A JOINT RESOLUTION HONORING THE 1993–94 WOMEN'S BASKETBALL TEAM AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL FOR WINNING A NATIONAL CHAMPIONSHIP AND HONORING THE MEMORY OF JUNE GALLOWAY AND MIKE MATHESON.

Whereas, with seven-tenths of a second left on the game clock, a three point basket made by Charlotte Smith of the women's basketball team at the University of North Carolina at Chapel Hill earned the team and Charlotte Smith a place in sports history; and

Whereas, on April 3, 1994, the UNC women defeated Louisiana Tech by a score of 60–59, becoming the 1994 National Collegiate Athletic Association (NCAA) Division I Champions and winning the first national basketball title for the women's basketball program; and

Whereas, the team's 1994 appearance at the NCAA Tournament was its third straight appearance and its eighth overall appearance; and

Whereas, the women's basketball team finished its 1993–94 season with an overall record of 33–2, the most wins ever by a women's basketball team at the University of North Carolina at Chapel Hill; and

Whereas, during the 1993–94 season, the women's basketball team won the Atlantic Coast Conference Championship and finished with a record of 14–2 in the Atlantic Coast Conference; and

Whereas, other accomplishments of the 1993–94 team included a 14–game winning streak, tying the longest record in the school's history; and

Whereas, this championship brings great honor and distinction to the State and deserves recognition; and

Whereas, the success of the UNC women's basketball team reflects a tradition of athletic excellence in basketball that is valued by many North Carolinians; and

Whereas, the success of women's basketball in North Carolina is a fitting testimonial and memorial to great women's basketball coaches of the past, including the late June Galloway, a teacher and coach, who in her last three seasons at the University of North Carolina at Greensboro led the women's basketball team to a record of 38–14, a State championship, and a fourth place finish in the National Invitational Women's Intercollegiate Tournament in 1971, and including

the late Mike Matheson, who coached the girls' basketball team at Bandys High School in Catawba County to two consecutive State AA championships in 1987 and 1988; and

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly expresses the appreciation and admiration of the people of North Carolina to the women's basketball team at the University of North Carolina at Chapel Hill for winning the 1994 National Collegiate Athletic Association Division I Championship.

Sec. 2. The General Assembly recognizes the achievements of the 1993–94 team members, Tonya Cooper, Sylvia Crawley, Lori Gear, Gwendolyn Gillingham, Tonya Jackson, Marion Jones, Stephanie Lawrence, Carrie McKee, Kim Rouse, Tonya Sampson, Charlotte Smith, Jill Suddreth, and Maja Vukojicic; head coach, Sylvia Hatchell; assistant coaches, Andrew Calder, Ann Hancock, and Emily Johnson; and other staff members.

Sec. 3. The Secretary of State shall send a certified copy of this resolution to John Swofford, Athletic Director of the University of North Carolina at Chapel Hill, Ty Buckner, Sports Director of the University of North Carolina at Greensboro, and the Athletic Director of Bandys High School, and to all individuals recognized in Section 2 of this resolution.

Sec. 4. This resolution is effective upon ratification.

The President congratulates the team and grants permission to Coach Sylvia Hatchell to address the Senate. Coach Hatchell offers brief remarks and introduces team members and staff to the Senate. The Senate responds with a standing ovation.

The joint resolution passes its second (48–0) and third readings and is ordered enrolled.

The Chair directs the committee to escort the guests from the Chamber.

CALENDAR

S.B. 291 (Committee Substitute), a bill to exempt certain nonprofit organizations from paying the license tax for specialty market operators.

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill is taken up out of its regular order of business and, on her further motion, is re–referred to the **Appropriations Committee.**

H.B. 304 (Committee Substitute), a bill to create a State Procurement Policy Council.

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill is taken up out of its regular order of business and, on her further motion, consideration in postponed until Thursday, April 27.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 206, an act to incorporate the Village of Flat Rock, subject to a referendum. (Ch. 48)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 24 (Committee Substitute), a bill to require recipients of food stamps to participate in workfare.

Referred to **Children and Human Resources Committee.**

H.B. 357, a bill to repeal provisions of the General Statutes authorizing the Department of Correction to inspect mines in which convicts are employed and requiring the Department to establish a revolving fund for loans to prisoners.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 609, a bill to allow an exemption of Tyrrell County from the minimum number of hours its board of elections office must be open.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 611, a bill to exempt the Town of Southern Shores from certain statutory requirements in the building of a training center facility.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 627, a bill relating to the employment preference given by Catawba County to veterans who apply for county employment.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 648, a bill to give Mooresville the power to repair, alter, improve, close, remove, or demolish abandoned commercial and industrial buildings that are eyesores.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 582 (Committee Substitute), a bill to permit the Cities of Winston–Salem and Wilmington and New Hanover County to regulate by ordinance the possession of malt beverages and unfortified wine.

Senator Ballantine offers Amendment No. 1 which is adopted (45–1).

The Committee Substitute bill, as amended, passes its second reading (47–1).

Senator Odom objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, April 25, for further consideration upon third reading.

S.B. 65 (Committee Substitute), a bill to regulate check–cashing businesses, as amended, upon third reading.

Senator McDaniel offers Amendment No. 4.

Following debate, Senator Jordan calls the previous question, seconded by Senator Conder.

Subsequently, Senator Conder withdraws the second to the motion and Senator Jordan withdraws his motion to call the previous question. Senator Jordan, offers

a motion the Committee Substitute bill with Amendment No. 4 pending be temporarily displaced, which motion prevails.

The Chair orders, without objection, the Committee Substitute bill, temporarily displaced, with Amendment No. 4 pending.

S.B. 332, a bill to raise the maximum late payment charge for revolving credit loans.

With unanimous consent, on motion of Senator Ballance, consideration of the bill is postponed until Wednesday, April 26.

S.B. 408, a bill to allow equity line of credit agreements to have terms greater than fifteen years and to establish a procedure for extending equity line of credit loan agreements.

The bill passes its second (46–1) and third readings and is ordered sent to the House of Representatives.

S.B. 82 (Committee Substitute), a bill to increase the amount of property collectible by small estate affidavit where the sole heir and/or devisee is the surviving spouse, to increase the minimum amount of intestate personal property passing to the surviving spouse, and to increase the amount of the year's allowance for a surviving spouse and children, as recommended by the General Statutes Commission, and to increase the limitation for funeral expenses, as amended, upon third reading.

Senator Hartsell offers Amendment No. 2 which is adopted (48–0).

The Committee Substitute bill, as amended, passes its third reading (45–0) and is ordered engrossed and sent to the House of Representatives.

S.B. 405, a bill to amend the State Personnel Act relating to the definition of career State employee, the grounds for State employee appeals, the investigatory duties of the Office of State Personnel, and the priority consideration of State employees in filling vacancies; to provide for the adoption of an alternative dispute resolution procedure by the State Personnel Commission; and to allow alternative observance of the New Year's Holiday, as amended, upon third reading.

The bill, as amended, passes its third reading (48–0) and is ordered engrossed and sent to the House of Representatives.

S.B. 478, a bill to coordinate enforcement of federal nursing home requirements with State requirements, upon third reading.

The bill passes its third reading (46–0) and is ordered sent to the House of Representatives.

S.B. 65 (Committee Substitute), a bill to regulate check-cashing businesses, as amended, upon third reading, with Amendment No. 4 pending, temporarily displaced earlier.

With unanimous consent, Senator McDaniel withdraws Amendment No. 4.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—41.

Voting in the negative: Senators Clark, Hoyle, Kincaid, McDaniel, Page, Sawyer, and Webster—7.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 736 (Committee Substitute), a bill to conform the North Carolina Financial Privacy Act to the federal Right to Financial Privacy Act.

Referred to **Commerce Committee**.

PAGES

The President recognizes the following pages serving in the Senate this week:

Lori Suzanne Barbour, Sanford; Stephen P. Brown, Leicester; Sue Linda Carpenter, Hendersonville; Amanda Denise Cox, Grifton; Emily Edwards, Rocky Mount; Diana Rene' Ellis, Raleigh; George Walker Franklin, Raleigh; Shelley Garriss, Elizabeth City; Alexis Brooke Hall, Manteo; Madeleine Clare Harbin, Waynesville; Timothy C. Henley, Cherryville; Lauren Elizabeth Hill, Elizabeth City; Mili G. Lal, Rocky Mount; Kent C. Leonard, Boone; Scott Adam McGee, Hickory; Katy Marie Moore, Manteo; Bharvi Patel, Battleboro; Amanda Tula Robbins, Raleigh; Sasha Sadler, Manteo; and Jennetta Shená Twitty, Manteo.

On motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 8:16 P.M. in memory of Mrs. C. R. Edwards, to meet tomorrow, Tuesday, April 25, at 11:30 A.M.

FIFTY-SECOND DAY

SENATE CHAMBER,
Tuesday, April 25, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor, who is meeting with the State Board of Education of which he is Chairman.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, in all that we do today, let us put right before interest, others before self, things of the spirit before temporal pleasures, principle above reputation, and let us put You before all else. To God be the glory. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, April 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President *Pro Tempore* grants leaves of absence for today to Senator Smith due to hospitalization and to Senator Edwards due to the death of his wife.

The President Pro Tempore of the Senate extends courtesies of the floor to Vernon James, former Representative from Pasquotank County.

The President *Pro Tempore* of the Senate extends courtesies of the floor to Dr. Clyde L. Brooks of Washington, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.J.R. 226 (Committee Substitute), a joint resolution honoring the 1993–94 Women's Basketball Team at the University of North Carolina at Chapel Hill for winning a national championship and honoring the memory of June Galloway and Mike Matheson. (Res. 6)

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 295, a bill to enact a recommendation of the Child Fatality Task Force to clarify the authority of the Building Code Council to adopt provisions requiring the installation of smoke detectors in all residential rental property and to provide for mutual obligations between landlords and tenants regarding the installation and upkeep of smoke detectors, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 8614 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Wednesday, April 26, for further consideration.

Senator Rand offers a motion to suspend Rule 7 to the end the introduction of bills, petitions, and resolutions is placed as the last order of business today, which motion prevails.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 146 House of Representatives
April 25, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Amendment # 1 to **HB 146**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF LUMBERTON TO ENACT ORDINANCES REGULATING THE TOWING OF MOTOR VEHICLES THAT HAVE BEEN ABANDONED AND ARE NOT COVERED BY FINANCIAL RESPONSIBILITY, the Speaker has appointed as conferees on the part of the House,

Representative Cummings,
Representative Sutton, and
Representative Yongue

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Senator Parnell offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senator Parnell, Chairman, and Senators Jordan and Ballance as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 330 House of Representatives
(Senate Committee Substitute) April 24, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute to **HB 330**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM, THE CITY OF GASTONIA, AND THE CITY OF FAYETTEVILLE TO REQUIRE OWNERS OF RENTAL PROPERTY IN THOSE CITIES TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS, AND TO CLARIFY THE AUTHORITY OF THE CITIES OF

DURHAM AND ASHEVILLE TO DO THE SAME, which proposes to change the title, upon concurrence, to read **HB 330**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM AND THE CITY OF GASTONIA TO REQUIRE OWNERS OF RENTAL PROPERTY IN THOSE CITIES TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS, AND TO CLARIFY THE AUTHORITY OF THE CITIES OF DURHAM AND ASHEVILLE TO DO THE SAME, the Speaker has appointed as conferees on the part of the House,

Representative Decker, Chair;
Representative Hurley, and
Representative Dickson

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Senator Horton offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senator Horton, Chairman, and Senators Hoyle and Dannelly, as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

COMMITTEE REFERRAL RECALL

H.B. 357, a bill to repeal provisions of the General Statutes authorizing the Department of Correction to inspect mines in which convicts are employed and requiring the Department to establish a revolving fund for loans to prisoners, referred to the **Local Government and Regional Affairs Committee** on April 24.

Pursuant to Rule 47(b), Senator Jordan offers a motion the bill be taken from the **Local Government and Regional Affairs Committee** and re-referred to the **Judiciary II/Election Laws Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Local Government and Regional Affairs Committee** and refers the measure to the **Judiciary II/Election Laws Committee.**

S.B. 318, a bill to change the time requirement for the updating of the plan for serving older adults, referred to the **Appropriations Committee** on March 15.

Pursuant to Rule 47(b), Senator Plyler offers a motion the bill be taken from the **Appropriations Committee** and placed on the Calendar for Wednesday, April 26, upon its passage, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and places it on the Calendar for Wednesday, April 26, for consideration upon its passage.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 582 (Committee Substitute), a bill to permit the Cities of Winston–Salem and Wilmington and New Hanover County to regulate by ordinance the possession of malt beverages and unfortified wine, as amended, upon third reading.

Senator Hobbs offers Amendment No. 2 which is adopted (43–1).

Senator Ballance offers Amendment No. 3 which is adopted (44–2).

The Committee Substitute bill, as amended, passes its third reading (45–2) and is ordered engrossed and sent to the House of Representatives.

COMMITTEE REFERRAL RECALL

S.B. 544, a bill to require that a public hearing be held prior to the approval of an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a transfer station, referred to the **Appropriations Committee** on April 19.

Pursuant to Rule 47(b), Senator Perdue offers a motion the bill be taken from the **Appropriations Committee** and placed at the end of today's Calendar for consideration upon its passage, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and places it at the end of today's Calendar for consideration upon its passage.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Parnell for the **Commerce Committee:**

S.B. 686, a bill to clarify the voting authority of members of the State Banking Commission, with a favorable report.

CALENDAR (Continued)

S.B. 577, a bill to amend the educational requirements for certified public accountants.

With unanimous consent, on motion of Senator Hoyle, the bill is taken up out of its regular order of business, and on his further motion, consideration of the bill is postponed until Tuesday, May 2.

S.B. 245 (Committee Substitute), a bill to authorize the opening of empty lock boxes of decedents outside the presence of the Clerk of Superior Court, as recommended by the General Statutes Commission.

The Committee Substitute bill passes its second (43–0) and third (45–0) readings and is ordered sent to the House of Representatives.

S.B. 303, a bill to provide for removal of members of State Board of Community Colleges after unexcused absences from three consecutive scheduled Board meetings.

The bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives.

S.B. 307, a bill to authorize sanitary districts to have the right to immediate possession of certain property acquired by eminent domain.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (38–8) and third (38–8) readings and is ordered engrossed and sent to the House of Representatives.

S.B. 470, a bill to create the Good Funds Settlement Act.

Following debate, the bill passes its second reading (34–11).

Senator Cooper objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Wednesday, April 26, for further consideration upon third reading.

S.B. 521 (Committee Substitute), a bill to provide for the filing of notices of *lis pendens* in the enforcement of housing and building standards by cities and counties.

The Committee Substitute bill passes its second reading (45–0).

Senator Gulley objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Wednesday, April 26, for further consideration upon third reading.

S.B. 544, a bill to require that a public hearing be held prior to the approval of an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a transfer station, withdrawn from the **Appropriations Committee** earlier today and placed at the end of the Calendar for consideration upon its passage.

The bill passes its second reading (43–2).

Senator Odom objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Wednesday, April 26, for further consideration upon third reading.

INTRODUCTION OF BILLS

Pursuant to the motion of Senator Rand prevailing earlier today, bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Edwards:

S.B. 811, a bill to appropriate funds to the North Carolina Institute of Minority Economic Development for capital and marketing expenses of the Fayetteville Minority Business Development Center.

Referred to **Appropriations Committee**.

By Senators Ballantine, Carrington, McDaniel, Blackmon, Foxx, Kincaid, Shaw, Horton, Ledbetter, Clark, Edwards, Page, Ballance, Lucas, Simpson, Hartsell, Allran, Carpenter, Davis, East, Little, Forrester, Cochrane, Kerr, and Rand:

S.B. 812, a bill to raise the amount that may be in controversy in small claims court.

Referred to **Judiciary I/Constitution Committee**.

By Senator Hartsell:

S.B. 813, a bill to change the name of the chief of the county election staff from "supervisor of elections" to "director of elections."

Referred to **Judiciary II/Election Laws Committee.**

By Senators Winner, Rand, Cooper, and Gulley:

S.B. 814, a bill to require certain dispositive motions to be accompanied by a memorandum.

Referred to **Judiciary I/Constitution Committee.**

By Senators Rand, Ballance, Cochrane, Conder, and Gulley:

S.B. 815, a bill to amend the law relating to voting precincts.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Shaw and Plyler:

S.B. 816, a bill to appropriate funds to fund an additional position within the Controlled Substance Tax Division of the Department of Revenue.

Referred to **Appropriations Committee.**

By Senators Rand, Ballantine, Hobbs, Plexico, and Little:

S.B. 817, a bill to appropriate funds for fifteen dispute settlement centers across the State.

Referred to **Appropriations Committee.**

By Senators Speed, Forrester, Martin of Guilford, Carpenter, Allran, Dannelly, Soles, and Lucas:

S.B. 818, a bill to establish a Birth Defects Monitoring Program in the Department of Environment, Health, and Natural Resources.

Referred to **Children and Human Resources Committee.**

By Senators Webster, East, Kerr, Hoyle, Kincaid, Carrington, Page, Foxx, Perdue, McKoy, Shaw, and Warren:

S.B. 819, a bill to provide that all general elections shall be held on the day after individual income tax returns are due.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Perdue, Davis, Little, East, Cochrane, Forrester, Hartsell, Allran, Simpson, Carpenter, Webster, Hoyle, Martin of Pitt, Albertson, Dannelly, Winner, Gulley Lucas, Martin of Guilford, Rand, Ballance, Page, Ledbetter, Clark, Shaw, Edwards, Horton, McKoy, and Foxx:

S.B. 820, a bill to allow local school administrative units to obtain refunds of sales and use taxes.

Referred to **Finance Committee.**

By Senator Ballance:

S.B. 821, a bill to amend the definition of preneed funeral funds.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senator Ballance:

S.B. 822, a bill to mandate that neither the State Board of Education nor the local boards of education interfere with freedom of religion in the public schools.

Referred to **Education/Higher Education Committee.**

By Senators Lucas and Forrester:

S.B. 823, a bill to appropriate funds to the Department of Human Resources to increase the rate of Medicaid reimbursement for dental procedures.

Referred to **Appropriations Committee.**

By Senators Hoyle, East, Davis, Ballantine, Ledbetter, Clark, McDaniel, Hartsell, Speed, Allran, Carpenter, Blackmon, Cochrane, McKoy, Sherron, Forrester, Kerr, Albertson. Martin of Pitt, Warren, Perdue, Sawyer, Conder, Plyler, Jordan, Little, Carrington, Page, and Foxx:

S.B. 824, a bill to direct the appropriate State departments how to exercise the State's authority under the Clean Water Act.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Ballance and Hartsell:

S.B. 825, a bill to amend the North Carolina Constitution to allow the defendant in noncapital criminal cases to waive a jury trial.

Referred to **Judiciary I/Constitution Committee.**

By Senators Carrington, McDaniel, East, Davis, Hoyle, Webster, Ballantine, Forrester, Foxx, Carpenter, Warren, Martin of Pitt, Shaw, Perdue, Sherron, Clark, Blackmon, McKoy, and Page:

S.B. 826, a bill to phase down the corporate income tax.

Referred to **Finance Committee.**

By Senators Rand, Horton, and Carrington:

S.B. 827, a bill to eliminate jury trials for infractions.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Rand:

S.B. 828, a bill to make appointments to various commissions upon the recommendation of the President of the Senate.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Rand and Hobbs:

S.B. 829, a bill to change the salaries of the members of the North Carolina Utilities Commission and the North Carolina Industrial Commission.

Referred to **Appropriations Committee.**

By Senators Rand, Hoyle, Martin of Pitt, and Perdue:

S.B. 830, a bill to allow the assignment of claims against the State in favor of insurance companies for property and casualty insurance.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Rand, Carrington, Soles, Parnell, Hoyle, Hobbs, Perdue, Conder, and Plyler:

S.B. 831, a bill to provide enhanced punishment for a felon who uses, displays, or threatens to use or display a firearm during the commission of a felonious drug offense.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Rand, Hartsell, Simpson, Hoyle, Hobbs, Parnell, Carrington, Ballantine, Conder, Plyler, and Horton:

S.B. 832, a bill to provide for the Court of Appeals to hear appeals in criminal cases in which life sentences are imposed.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Plyler, Hobbs, Odom, Perdue, Carpenter, Rand, Foxx, Hoyle, Soles, Carrington, Warren, Plexico, Ledbetter, Albertson, Gulley, Kerr, Conder, Sherron, Ballance, Lucas, Jordan, Parnell, Speed, and Blackmon:

S.B. 833, a bill to require that vehicles making frequent stops on highways be equipped with flashing amber lights.

Referred to **Transportation Committee.**

By Senators Plyler, Albertson, Conder, and Kerr:

S.B. 834, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources, Environmental Health Division, for the Milk Sanitation Program.

Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 835, a bill to appropriate funds to the State Property Office for an optical storage library system.

Referred to **Appropriations Committee.**

By Senators Hartsell and Martin of Guilford:

S.B. 836, a bill to enhance parental support of children by amending the law pertaining to civil actions to establish paternity.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Speed, Albertson, Cooper, Carpenter, Hartsell, Rand, Blackmon, Plexico, Martin of Pitt, and Hobbs:

S.B. 837, a bill to provide for the licensing of soil scientists.

Pursuant to G.S. 120–149, the measure requires an assessment report.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Odom, Blackmon, Winner, Gulley, Dannelly, Perdue, Warren, Conder, Plyler, Hobbs, Horton, Ledbetter, Clark, Ballantine, Sawyer, McDaniel, McKoy, Carrington, Foxx, Forrester, Hartsell, Allran, Speed, Rand, Kerr, Lucas, and Davis:

S.B. 838, a bill to exempt the Young Men's Christian Association and the Young Women's Christian Association from the licensure requirements of the North Carolina Charitable Solicitations Act.1

Referred to **Finance Committee.**

On motion of Senator Soles, seconded by Senator McDaniel, the Senate adjourns at 12:41 P.M. in memory of victims of the terrorist bombing of the Oklahoma City Federal Building and with heartfelt thoughts to their families, to meet tomorrow, Wednesday, April 26, at 3:00 P.M.

FIFTY–THIRD DAY

SENATE CHAMBER,
Wednesday, April 26, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, move among us today with clarity of will and singleness of purpose. Help us to live and work with that kind of certainty in an uncertain world.

"Teach us this day not only Your Will for what goes on here in the Senate, but also how best to accomplish it. Always teach us the best way of doing the best thing, otherwise we may spoil the end by ineffective means. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization and to Senator Edwards due to the death of his wife.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, April 25, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Stuart DuPuy of Charlotte, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 71, an act to provide that fire fighters, emergency service personnel and North Carolina forest service personnel may possess or carry weapons on school grounds when discharging their official duties. (Ch. 49)

H.B. 122 (Committee Substitute), an act to expand the allowable uses of transporter plates, to allow owners of salvage vehicles to retain title to the vehicles, and to exempt out–of–State utility vehicles that are used in certain emergency operations from the vehicle registration and road tax requirements. (Ch. 50)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee:**

H.B. 128 (Committee Substitute), a bill to permit the City of Henderson and the City of Asheville to use wheel locks on certain illegally parked vehicles, with a favorable report, as amended.

H.B. 519, a bill to allow the trapping and killing of red wolves by owners of private land in Beaufort County, with a favorable report, as amended.

S.B. 529, a bill to remove the sunset on the authorization for Alamance County to enter into a contract to repair the Alamance County Courthouse, with a favorable report, as amended.

S.B. 704, a bill to redefine the boundaries of the West End Fire Protection District in Moore County, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Chair orders the bill, as amended, engrossed and re–referred to the **Finance Committee**.

S.B. 714, a bill amending the Charter of the City of Durham relating to notification requirements for rezoning annexed property, with a favorable report, as amended.

S.B. 592, a bill to modify the provisions of the Charter of the City of Fayetteville concerning fair housing, with a favorable report.

With unanimous consent, on motion of Senator Jordan, the bill is placed on the Calendar for Tuesday, May 2, for consideration upon its passage.

S.B. 640, a bill changing the election of members of the McDowell County Board of Education from May to November, with a favorable report.

S.B. 664, a bill to revise and consolidate the Charter of the Town of Plymouth, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

S.B. 684, a bill amending the Charter of Durham to authorize the making of emergency repairs to nonresidential buildings, with a favorable report.

S.B. 685, a bill to allow the City of Durham to require certain actions of its transportation authority to be by supermajority, with a favorable report.

S.B. 699, a bill to allow the Town of Red Springs to sell at private sale a parcel of property donated to the Town, with a favorable report.

S.B. 708, a bill regarding the procedure for letting public contracts by the City of Charlotte, with a favorable report.

H.B. 137, a bill to modify the membership of the Rockingham Tourism Development Authority, with a favorable report.

H.B. 212, a bill to authorize the City of Greensboro to use the single–prime contract system for the expansion of sewage treatment facilities, with a favorable report.

H.B. 248 (Committee Substitute), a bill to clarify that Union County and Columbus County may assess a fire protection fee on certain mobile homes, with a favorable report.

H.B. 343, a bill to clarify the law on hunting with dogs in Anson County, with a favorable report.

H.B. 464, a bill to remove from the corporate limits of the Town of Hope Mills a described territory, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 517, a bill to amend the law prohibiting the discharge of firearms on registered land in Vance County by providing for registration at any time and by eliminating the requirement that registration be renewed annually, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 520 (Committee Substitute), a bill to revise and consolidate the Charter of the Town of Waynesville, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 529 (Committee Substitute), a bill to authorize the Recreation Commission of the Town of Lincolnton to convey by private sale certain property to the City of Lincolnton, with a favorable report.

H.B. 553, a bill to repeal a local act requiring Harnett County's animal control officers to perform their duties under the supervision and control of the Harnett County Health Director, with a favorable report.

H.B. 592, a bill to amend the law prohibiting the discharge of firearms on registered land in Granville County by providing for registration at any time, by eliminating the requirement that registration be renewed annually, and by providing that a registrant must furnish the posted notices required to comply with the law, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 593, a bill to incorporate the Town of Bogue, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 604, a bill to authorize the Town of Sunset Beach to regulate and control debris and other materials resulting from boating accidents, with a favorable report.

H.B. 493, a bill to repeal a local act modifying the vote required for private sale of property by the City of Greensboro for public purposes, with a favorable report.

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee:**

S.B. 751, a bill to provide that treatment or services rendered by certified fee-based practicing pastoral counselors shall be reimbursable under the State Health Plan and other health insurance policies under certain circumstances, with a favorable report.

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 477, a bill to enact the North Carolina Foreign–Money Claims Act, which Act establishes a standard for converting currency for monetary damages resulting from a foreign judicial proceeding or arbitration, with a favorable report, as amended.

S.B. 166, a bill to amend certain provisions of law that regulate attorneys–at–law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the proposed Committee Substitute bill 2613 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee.**

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 561, a bill to appropriate funds to meet the mandate for a "single portal of entry and exit" for area mental health authorities, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

S.B. 560, a bill to authorize a county director of social services to delegate the function of issuing youth employment certificates, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lucas, the rules are suspended, and the proposed Committee Substitute bill 1668 is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, April 27, for further consideration.

By Senator Parnell for the **Commerce Committee:**

S.B. 300, a bill to authorize the Department of Commerce to pledge block grant funds as loan guarantees pursuant to the Housing and Community Development Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 9588 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Parnell, the Committee Substitute bill is placed on the Calendar for Monday, May 1, for further consideration.

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 116, a bill to amend the laws providing for the defense of State employees from tort claims arising in the scope or course of their employment, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

CONFERENCE REPORT

H.B. 146

Senator Parnell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 146**, a bill to allow the City of Lumberton to enact ordinances regulating the towing of motor vehicles that have been abandoned and are not covered by financial responsibility, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 146, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF LUMBERTON TO ENACT ORDINANCES REGULATING THE TOWING OF MOTOR VEHICLES THAT HAVE BEEN ABANDONED AND ARE NOT COVERED BY FINANCIAL RESPONSIBILITY, Second Edition Engrossed 3/2/95, submit the following report:

The House concurs in Senate Amendment #1 with the following amendment: On page 1, line 4 of the amendment, add a double quotation mark at the beginning of the line, and on page 1, line 6 of the amendment, add a single quotation mark and a double quotation mark at the end of the line.

The conferees further recommend that the bill be amended on page 2, line 2, by striking through the period at the end of the line and inserting : "_, or".

The Senate and House of Representatives agree to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: April 25, 1995.

S/David R. Parnell	S/F. M. Cummings
S/Frank W. Ballance, Jr.	S/Ronnie Sutton
S/Luther Jordan, Jr.	S/Douglas Y. Yongue
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Parnell, the Conference Report is adopted (47–0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Allran and Cooper:
S.B. 839, a bill to provide for graduated motor vehicles drivers licenses as recommended by the North Carolina Child Fatality Task Force.
Referred to **Transportation Committee.**

By Senators Plexico and Carpenter:
S.B. 840, a bill to require blood tests for controlled substances in certain circumstances.
Referred to **Judiciary I/Constitution Committee.**

By Senators Forrester, Kerr, and Carpenter:
S.B. 841, a bill to establish the Study Commission on Grandparent Rights.
Referred to **Appropriations Committee.**

By Senators Forrester, Kerr, and Carpenter:
S.B. 842, a bill pertaining to visitation rights of grandparents.
Referred to **Judiciary II/Election Laws Committee.**

By Senator Rand:
S.B. 843, a bill to revise the statutes regarding antitrust law to ensure that these provisions are internally consistent and consistent with federal antitrust laws.
Referred to **Judiciary II/Election Laws Committee.**

By Senator Ballance:
S.B. 844, a bill to allow optional calendaring of arraignment in superior court.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Lucas, Rand, Sherron, Hobbs, and Dannelly:
S.B. 845, a bill to appropriate funds for continuation of the University of North Carolina educational consortia.
Referred to **Appropriations Committee.**

By Senators Lucas, Hobbs, Parnell, Dannelly, and Ballance:
S.B. 846, a bill to establish an advance instruction for mental health treatment.
Referred to **Children and Human Resources Committee.**

By Senators Hoyle, Simpson, and Carpenter:
S.B. 847, a bill to abolish the Central North Carolina School for the Deaf and to make a technical correction.
Referred to **Education/Higher Education Committee.**

By Senators Martin of Guilford, Shaw, and Sawyer:
S.B. 848, a bill to appropriate funds for construction of a new Guilford County juvenile detention facility.
Referred to **Appropriations Committee.**

By Senators Gulley, Martin of Guilford, and Winner:
S.B. 849, a bill to require certain employers to provide meal and rest periods during working hours under certain circumstances.
Referred to **Commerce Committee.**

By Senators Gulley, Sherron, Lucas, Carrington, and McKoy:

S.B. 850, a bill to provide that the value of certain inventories is deductible in calculating a corporation's investment in tangible property in North Carolina for franchise tax purposes.

Referred to **Finance Committee.**

By Senators Gulley, Rand, Plexico, and Winner:

S.B. 851, a bill to remove the sunset on designation of unemployment offices as voter registration agencies to comply with the National Voter Registration Act.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Odom, Plyler, Blackmon, Dannelly, and Winner:

S.B. 852, a bill to appropriate funds to the Metrolina Food Bank, Inc., for capital and operating expenses.

Referred to **Appropriations Committee.**

By Senator Cooper:

S.B. 853, a bill to appropriate funds to provide transition and support for deaf and hard-of-hearing students using cued speech in mainstream education programs.

Referred to **Appropriations Committee.**

By Senator Cooper:

S.B. 854, a bill to provide that an owner of an erosion or storm-damaged structure is liable for certain damages resulting from the hazards posed by those structures.

Referred to **Judiciary I/Constitution Committee.**

By Senator Cooper:

S.B. 855, a bill to authorize public hospitals to develop preferred provider organizations, health maintenance organizations, and managed care products with providers and insurers.

Referred to **Judiciary I/Constitution Committee.**

By Senators Albertson, Warren, Hoyle, Martin of Pitt, Dannelly, Perdue, Davis, East, and Webster:

S.B. 856, a bill to increase the penalties for voluntary manslaughter, possession of a controlled substance in a confinement facility and possession with intent to sell and deliver marijuana.

Referred to **Judiciary I/Constitution Committee.**

By Senator Albertson:

S.B. 857, a bill to increase nonresident hunting license fees and to provide for the hunting of wild boar by nonresidents possessing nonresident bear hunting licenses.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Martin of Guilford, Conder, Warren, and Hartsell:

S.B. 858, a bill to clarify the law regarding contracts for school administrators.

Referred to **Education/Higher Education Committee.**

By Senators Martin of Guilford, Conder, and Warren:
S.B. 859, a bill to amend the mental health commitment law.
Referred to **Children and Human Resources Committee.**

By Senator Blackmon:
S.B. 860, a bill to expedite the environmental permitting process by allowing the option of submitting permit applications certified by a professional engineer and allowing these applications to be immediately sent to public notice and hearing and subjected to simultaneous technical review.
Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senator Perdue:
S.B. 861, a bill to authorize the Legislative Research Commission to study the rights of owners of rental property.
Referred to **Appropriations Committee.**

By Senator Hartsell:
S.B. 862, a bill to provide an exception to the law voiding forum selection provisions in contracts by validating actions commenced pursuant to such provisions with the consent of all parties to the contract.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Cochrane, Davis, McDaniel, Carpenter, Forrester, Blackmon, Ledbetter, Carrington, Shaw, Clark, Hartsell, McKoy, Horton, Sawyer, and Allran:
S.B. 863, a bill to provide an earlier date for the presidential primary.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Cochrane, Parnell, Speed, and Carpenter:
S.B. 864, a bill to require adult care homes to submit annual audited reports of actual costs and to require the Department of Human Resources to adopt rules to ensure quality of care in adult care homes.
Referred to **Children and Human Resources Committee.**

By Senators Cochrane and Carpenter:
S.B. 865, a bill to amend the State laws regarding the purchase of a handgun to conform to the requirements of the "Brady Handgun Violence Prevention Act".
Referred to **Judiciary I/Constitution Committee.**

By Senator Winner:
S.B. 866, a bill to appropriate funds to the University of North Carolina for its school technology initiative.
Referred to **Appropriations Committee.**

By Senator Winner:
S.B. 867, a bill to appropriate funds for the Scholarship Loan Fund for Prospective Teachers.
Referred to **Appropriations Committee.**

By Senators Winner, Odom, Gulley, and Martin of Guilford:
S.B. 868, a bill to strengthen the domestic violence law by requiring domestic violence orders to be accessible by computer, to allow order to prohibit possession

and allow seizure of firearms, and to establish the penalty for purchase or possession of firearms by persons subject to domestic violence order.
Referred to **Judiciary I/Constitution Committee.**

By Senator Hobbs:
S.B. 869, a bill to redefine "special ABC area".
Referred to **Judiciary I/Constitution Committee.**

By Senators Webster, Carrington, Foxx, Albertson, Kerr, Hoyle, Martin of Pitt, Davis, Cochrane, Allran, Hartsell, Ballantine, Ballance, Simpson, and Carpenter:
S.B. 870, a bill to permit employers to conduct on–site drug testing under certain circumstances.
Referred to **Judiciary II/Election Laws Committee.**

By Senator Soles:
S.B. 871, a bill to provide for the appointment and assignment of emergency recall judges of the Court of Appeals.
Referred to **Judiciary I/Constitution Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 6 (Committee Substitute), a bill to grant additional management flexibility to local boards of education, to ensure that local boards of education are held accountable for the use of that flexibility, to assess the relationship between expenditures for public schools and student performance, and to make conforming statutory changes.
Referred to **Education/Higher Education Committee.**

H.B. 47 (Committee Substitute No. 2), a bill to make various amendments to the law regarding the licensing of electrical contractors.
Referred to **Commerce Committee.**

H.B. 223, a bill to phase out the excise tax on soft drinks over four years.
Referred to **Finance Committee.**

H.B. 381 (Committee Substitute No. 2), a bill to grant the Town of Apex and the Town of Mooresville a temporary exemption from the total amount of noncontiguous territory that may be annexed.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 386 (Committee Substitute), a bill to give priority to a local forensic examination of a defendant whose capacity to proceed to trial is questioned before a State evaluation is ordered and to modify the authority of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services to restrict the rights of clients at the Pretrial Evaluation Center at Dorothea Dix.
Referred to **Children and Human Resources Committee.**

H.B. 448, a bill to provide that eligibility for coverage of certain employees under the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan is based upon retirement membership service, which may be earned after the disability began.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

H.B. 628 (Committee Substitute), a bill to change the time of election of the Avery County Board of Education from November to May, and to provide that that Board shall take office in July of the year of their election.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 680 (Committee Substitute), a bill to incorporate the Town of Mulberry–Fairplains.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

H.B. 692 (Committee Substitute), a bill allowing Wake County to use alternative methods of notification of property owners of proposed zoning notice changes.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 738 (Committee Substitute), a bill to authorize the issuance of twenty–three million nine hundred thousand dollars of Community College Bonds or notes and to appropriate the proceeds of these Bonds and notes for specific community college capital projects.

Referred to **Appropriations Committee.**

H.B. 739 (Committee Substitute), a bill to simplify the transfer of credit between North Carolina institutions of higher education.

Referred to **Education/Higher Education Committee.**

H.B. 749, a bill to amend the procedure for sending insurance agents and companies notices and requests for cancellation of insurance contracts by insurance premium finance companies.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

H.B. 799, a bill to modify the definition of credit accident and health insurance.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 433, a bill to authorize the City of Charlotte to submit proposals and receive contracts for construction and repair work not to exceed two hundred thousand dollars.

On motion of Senator Jordan, Committee Amendment No. 1 is read.

With unanimous consent, on motion of Senator Winner, further consideration of the bill is postponed until Tuesday, May 2, with Amendment No. 1 pending.

COMMITTEE REFERRAL RECALL

H.B. 375, a bill to remove the limitation on funding for the per diem costs of inmates housed out–of–State, referred to the **Appropriations Committee** on March 27.

Pursuant to Rule 47(b), Senator Plyler offers a motion the bill be taken from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and places it before the Senate for immediate consideration upon its passage.

Senator Parnell offers Amendment No. 1.

Upon motion of Senator Plyler, the Chair orders, without objection, the bill temporarily displaced, with Amendment No. 1 pending.

CALENDAR (Continued)

S.B. 295 (Committee Substitute), a bill to enact a recommendation of the Child Fatality Task Force to clarify the authority of the Building Code Council to adopt provisions requiring the installation of smoke detectors in all residential rental property and to provide for mutual obligations between landlords and tenants regarding the installation and upkeep of smoke detectors.

Senator Blackmon offers Amendment No. 1.

Following lengthy debate, Senator Blackmon calls the previous question, seconded by Senator Ballance. Senator Winner rises to a point of order as to the eligibility of Senator Blackmon to call the previous question under Rule 23. The Chair rules the call for the previous question in order as Senator Blackmon is sponsor of Amendment No. 1, the matter under consideration. The call is sustained (45–2). Amendment No. 1 is adopted (25–21).

The Committee Substitute bill, as amended, passes its second (42–6) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 318, a bill to change the time requirement for the updating of the plan for serving older adults.

The bill passes its second (48–0) and third readings and is ordered sent to the House of Representatives.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Sherron.

H.B. 375, a bill to remove the limitation on funding for the per diem costs of inmates housed out–of–State, temporarily displaced earlier, with Amendment No. 1 pending.

Amendment No. 1 offered by Senator Parnell is adopted (47–0).

The bill, as amended, passes its second (46–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Amendment No. 1, without objection, by special messenger.

S.B. 332, a bill to raise the maximum late payment charge for revolving credit loans.

Senator Ballance offers Amendment No. 1 which is adopted (39–6).

The bill, as amended, passes its second (42–3) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 686, a bill to clarify the voting authority of members of the State Banking Commission.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

S.B. 755, a bill to change the designated legislative membership of the Committee on Employee Hospital and Medical Benefits.

The bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives.

H.B. 527, a bill to divide Superior Court District 11 into Districts 11A and 11B.

The bill passes its second (46–1) and third readings and is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr, Co–Chairman, for Senator Sherron, Co–Chairman for the **Finance Committee**:

S.B. 602, a bill to incorporate the Town of Foscoe–Grandfather, with a favorable report.

S.B. 483 (Committee Substitute), a bill to require the inspection of bison meat that is to be used as food, as written by the **Agriculture/Environment/Natural Resources Committee**, with a favorable report, as amended.

S.B. 624, a bill to provide for a binding referendum on the establishment of a North Carolina State Lottery Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Committee Substitute bill 9596 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Senator Parnell offers a motion the Committee Substitute bill be placed on the Calendar for Tuesday, May 2, for further consideration, which motion prevails (25–22).

CALENDAR (Continued)

S.B. 470, a bill to create the Good Funds Settlement Act, upon third reading.

The bill passes its third reading (38–9) and is ordered sent to the House of Representatives.

S.B. 521 (Committee Substitute), a bill to provide for the filing of notices of *lis pendens* in the enforcement of housing and building standards by cities and counties, upon third reading.

Senator Odom offers a motion further consideration of the Committee Substitute bill be postponed until tomorrow, April 27. The motion fails to prevail (15–30) and the question reverts to the passage of the measure upon third reading.

The Committee Substitute bill passes its third reading (42–4) and is ordered sent to the House of Representatives.

S.B. 544, a bill to require that a public hearing be held prior to the approval of an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a transfer station, upon third reading.

The bill passes its third reading (44–1) and is ordered sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Cooper, the Senate adjourns at 5:00 P.M. to meet tomorrow, Thursday, April 27, at 3:00 P.M.

FIFTY-FOURTH DAY

SENATE CHAMBER,
Thursday, April 27, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with an excerpt from *Be Thou Present* by Peggy Haymes, as follows:

"We have taught ourselves well, O Lord, how to act like adults in life. But let us not forget that we are also Your Children.

"And so, like children running to the safe arms of a loving parent, we come to You today.

Bringing our skinned egos and bruised feelings,
Bringing our fears into Your Light,
Seeking Your Wisdom, Your encouraging, accepting Grace that gives us strength to face the world.

"And like children, we bring our love to You, offering it unashamedly, unreservedly. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization; to Senator Edwards due to the death of his wife; and to Senator Sawyer due to a doctor's appointment.

Senator Rand, Chairman of the **Rules and Operation of the Senate Committee**, announces the Journal of yesterday, Wednesday, April 26, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. T. Hayes Woollen of Charlotte, who is serving the Senate as Doctor of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 527, an act to divide Superior Court District 11 into Districts 11A and 11B. (Ch. 51)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 721, a bill to increase the maximum amount that may be recovered in strict liability for damage to person or property by minors, with a favorable report, as amended.

S.B. 679, a bill to validate certain actions of water and sewer districts, with a favorable report.

S.B. 709, a bill to validate certain actions of Columbus County Water and Sewer District I, with a favorable report.

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee:**

S.B. 566, a bill to provide for direct access by women to obstetrician–gynecologists, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 9598 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Monday, May 1, for further consideration.

S.B. 652, a bill to make changes to the General Statutes pertaining to small employer health care coverage, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 1674 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Monday, May 1, for further consideration.

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 289, a bill relating to the terms of office of the County Commissioners of Ashe County, with a favorable report.

S.B. 308, a bill to amend the law regarding Medicaid fraud, with a favorable report.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee:**

H.B. 331, a bill to allow disabled persons to apply to the Wildlife Resources Commission for hunting and fishing methods exemptions to provide reasonable accommodations for their disabilities, with a favorable report.

H.B. 405 (Committee Substitute), a bill to authorize the Wildlife Resources Commission to regulate the manner of taking wildlife not classified as game animals, with a favorable report.

By Senator Plexico for the **Education/Higher Education Committee**:

S.B. 140, a bill to require the observance of a moment of silence in all school units and to ensure freedom of religion in the public schools, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plexico, the rules are suspended, and the proposed Committee Substitute bill 3621, which changes the title to read **S.B. 140** (Committee Substitute), a bill to clarify the purpose for a moment of silence in the public schools and to prohibit local boards of education from adopting policies that deny certain First Amendment rights, is placed before the Senate for immediate consideration.

On motion of Senator Plexico, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 1, for further consideration.

S.B. 659, a bill to ensure fairness to teacher assistants in kindergarten through third grade, with a favorable report.

On motion of Senator Plexico, the bill is re-referred to the **Appropriations Committee**.

S.B. 677, a bill permitting the Board of Trustees of Southeastern Community College to grant security interests to federal agencies, with a favorable report.

S.B. 431, a bill to remove the sunset on the Charlotte-Mecklenburg school funding pilot, with a favorable report.

By Senator Jordan for the **Local Government and Regional Affairs Committee**:

H.B. 208 (Committee Substitute), a bill to allow Edgecombe, Greene, Jackson and Madison Counties to acquire property for use by their county boards of education, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Jordan, the proposed Senate Committee Substitute bill 3147, which changes the title, upon concurrence, by inserting a comma following the word Jackson, to read **H.B. 208** (Senate Committee Substitute), a bill to allow Edgecombe, Greene, Jackson, and Madison Counties to acquire property for use by their county boards of education, is placed before the Senate for immediate consideration.

On motion of Senator Jordan, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Dannelly:

S.B. 872, a bill to support the appointment of families and individuals as guardians, to support the expansion and development of private nonprofit corporations

as guardians, to provide that local departments of social services be the only local human resources agency to serve as guardians, to appropriate funds for guardianship services, and to make other changes.

Referred to **Children and Human Resources Committee.**

By Senator Gulley:

S.B. 873, a bill allowing the use of alternative methods of notification of property owners of proposed zoning notice changes.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Albertson:

S.B. 874, a bill to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources and related laws.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senator Kerr:

S.B. 875, a bill to strengthen animal welfare and control laws and protect human health and safety by regulating possession and sale of exotic and wild animals.

Referred to **Judiciary II/Election Laws Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 85 (Committee Substitute), a bill to provide that nonprofit barber schools have one instructor for every twenty students.

Referred to **Children and Human Resources Committee.**

H.B. 456 (Committee Substitute), a bill to create the North Carolina Progress Board.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 492 (Committee Substitute), a bill to allow the Town of Clayton to use the single–prime contractor or the negotiation method of constructing the Hocutt–Ellington Library addition.

Referred to **Commerce Committee.**

H.B. 640 (Committee Substitute), a bill to permit local purchase of supplies by the Guilford County schools.

Referred to **Commerce Committee.**

H.B. 708 (Committee Substitute), a bill to amend the General Statutes to authorize the Department of Environment, Health, and Natural Resources to electronically monitor and record compliance data off–site from special purpose commercial hazardous waste facilities that use hazardous waste as a fuel.

Referred to **Agriculture/Environment/Natural Resources Committee.**

H.B. 773 (Committee Substitute), a bill to provide for direct access by women to obstetrician–gynecologists.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

H.B. 788 (Committee Substitute), a bill to include hospital and medical service corporation plans under the Life and Health Insurance Guaranty Association Act.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 146

House of Representatives
April 27, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **HB 146**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF LUMBERTON TO ENACT ORDINANCES REGULATING THE TOWING OF MOTOR VEHICLES THAT HAVE BEEN ABANDONED AND ARE NOT COVERED BY FINANCIAL RESPONSIBILITY. The Speaker has ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 7
(Senate Committee Substitute)

House of Representatives
April 27, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute to **HB 7**, A BILL TO BE ENTITLED AN ACT TO RESTORE CONSTITUTIONAL POWERS TO THE STATE BOARD OF EDUCATION AND TO MAKE CONFORMING AND TECHNICAL CHANGES, which proposes to change the title, upon concurrence, to read **HB 7**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUTES SO AS TO STREAMLINE THE OPERATIONS OF THE STATE EDUCATION AGENCY, the Speaker has appointed as conferees on the part of the House,

Representative Russell, Chair;
Representative Wood,
Representative Barnes, and
Representative Eddins

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 373

House of Representatives
April 27, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Amendment # 1 to **HB 373**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RUNNING OF DEER BY DOGS IN THE TOWN OF SOUTHERN SHORES, the Speaker has appointed as conferees on the part of the House,

Representative Culpepper,
Representative Lee, and
Representative Nichols

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

CONFIRMATION OF APPOINTMENT

House of Representatives
April 27, 1995

Mr. President:

In compliance with the provisions of G.S. 126–2, the House has confirmed Governor Hunt's appointee to the State Personnel Commission, Ms. Judy M. Stephenson. Ms. Stephenson's term will begin on July 1, 1995 and expire June 30, 2001.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Senate having taken a like action on March 29, the appointment of Judy M. Stephenson is confirmed.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 7 (Committee Substitute), a bill to restore constitutional powers to the State Board of Education and to make conforming and technical changes, changing the title upon concurrence to read **H.B. 7** (Senate Committee Substitute), a bill to clarify the Statutes so as to streamline the operations of the State education

agency, with a message received earlier today the House fails to concur in the Senate Committee Substitute bill.

Pursuant to the message from the House of Representatives received earlier today requesting conferees, Senator Winner offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee:**

S.B. 353 (Committee Substitute), a bill to make technical amendments and corrections in the insurance laws, with a favorable report.

S.B. 726, a bill to allow Wake County to acquire property for use by the County Board of Education, with a favorable report.

S.B. 838, a bill to exempt the Young Men's Christian Association and the Young Women's Christian Association from the licensure requirements of the North Carolina Charitable Solicitations Act, with a favorable report.

S.B. 606, a bill to provide for the creation of facility authorities and to establish the Centennial Authority, with a favorable report, as amended.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 602, a bill to incorporate the Town of Foscoe–Grandfather, upon second reading.

Senator East offers Amendment No. 1 which fails of adoption (7–38).

Senator Foxx offers Amendment No. 2, changing the title to read **S.B. 602**, a bill to incorporate the Town of Foscoe, which is adopted (44–1).

The bill, as amended, passes its second reading by roll–call vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—44.

Voting in the negative: Senators East and Page—2.

The bill, as amended, is ordered placed on the Calendar for Monday, May 1, for further consideration upon third reading.

S.B. 684, a bill amending the Charter of Durham to authorize the making of emergency repairs to nonresidential buildings, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, May 1, for further consideration upon third reading.

H.B. 128 (Committee Substitute), a bill to permit the City of Henderson and the City of Asheville to use wheel locks on certain illegally parked vehicles, upon second reading.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Rand, Shaw, Sherron, Soles, Speed, Warren, and Webster—43.

Voting in the negative: Senator Winner—1.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, May 1, for further consideration upon third reading.

H.B. 248 (Committee Substitute), a bill to clarify that Union County and Columbus County may assess a fire protection fee on certain mobile homes, upon second reading.

With unanimous consent, the Chair orders the Committee Substitute bill temporarily displaced.

S.B. 529, a bill to remove the sunset on the authorization for Alamance County to enter into a contract to repair the Alamance County Courthouse.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted, changing the title to read **S.B. 529**, a bill to extend the sunset on the authorization for Alamance County to enter into a contract to repair the Alamance County Courthouse and to remove the sunset provisions on the City of Greensboro's exception to the formal bidding requirements of G.S. 143-129.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 640, a bill changing the election of members of the McDowell County Board of Education from May to November.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 685, a bill to allow the City of Durham to require certain actions of its transportation authority to be by supermajority.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 699, a bill to allow the Town of Red Springs to sell at private sale a parcel of property donated to the Town.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 708, a bill regarding the procedure for letting public contracts by the City of Charlotte.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 714, a bill amending the Charter of the City of Durham relating to notification requirements for rezoning annexed property.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 137, a bill to modify the membership of the Rockingham Tourism Development Authority.

The bill passes its second and third readings and is ordered enrolled.

H.B. 212, a bill to authorize the City of Greensboro to use the single-prime contract system for the expansion of sewage treatment facilities.

The bill passes its second and third readings and is ordered enrolled.

H.B. 343, a bill to clarify the law on hunting with dogs in Anson County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 493, a bill to repeal a local act modifying the vote required for private sale of property by the City of Greensboro for public purposes.

The bill passes its second and third readings and is ordered enrolled.

H.B. 519, a bill to allow the trapping and killing of red wolves by owners of private land in Beaufort County.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 519**, a bill to allow the trapping and killing of red wolves by owners of private land in Beaufort and Craven Counties.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 529 (Committee Substitute), a bill to authorize the Recreation Commission of the Town of Lincolnton to convey by private sale certain property to the City of Lincolnton.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 553, a bill to repeal a local act requiring Harnett County's animal control officers to perform their duties under the supervision and control of the Harnett County Health Director.

The bill passes its second and third readings and is ordered enrolled.

H.B. 604, a bill to authorize the Town of Sunset Beach to regulate and control debris and other materials resulting from boating accidents.

The bill passes its second and third readings and is ordered enrolled.

S.B. 477, a bill to enact the North Carolina Foreign–Money Claims Act, which Act establishes a standard for converting currency for monetary damages resulting from a foreign judicial proceeding or arbitration.

With unanimous consent, on motion of Senator Kerr, consideration of the bill is postponed until Tuesday, May 2.

With unanimous consent, the President grants a leave of absence for the remainder of today's session to Senator Simpson.

H.B. 304 (Committee Substitute), a bill to create a State Procurement Policy Council.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is taken up out of its regular order of business and on his further motion is re–referred to the **Appropriations Committee.**

S.B. 483 (Committee Substitute), a bill to require the inspection of bison meat that is to be used as food.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (45–0) and third readings and is ordered engrossed and sent to the House of Representatives.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 373, a bill to prohibit the running of deer by dogs in the Town of Southern Shores, which Senate Amendment No. 1 proposes to change the title, upon concurrence, to read **H.B. 373**, a bill to prohibit the running of deer by dogs in the Town of Southern Shores and to prohibit the taking of deer with dogs in a portion of Richmond County, with a message received earlier today the House fails to concur.

Pursuant to the message from the House of Representatives received earlier today requesting conferees, Senator Conder offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

CALENDAR (Continued)

S.B. 560 (Committee Substitute), a bill to authorize a county director of social services to delegate the function of issuing youth employment certificates.

The Committee Substitute bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives.

S.B. 751, a bill to provide that treatment or services rendered by certified fee–based practicing pastoral counselors shall be reimbursable under the State Health Plan and other health insurance policies under certain circumstances.

Following debate, the bill passes its second (43–2) and third readings and is ordered sent to the House of Representatives.

PERSONAL PRIVILEGE

Senator Winner rises to a point of personal privilege and offers remarks marking the Jewish Holiday of Yom Hashoah. With unanimous consent, the Chair orders the remarks of Senator Winner spread upon the Journal, as follows:

By Senator Winner:

"Ladies and gentlemen of the Senate, today is the Jewish Holiday of Yom Hashoah, probably a holiday that most of you have never heard of. Senator Marshall Rauch, when he was here started a tradition of taking a moment on this day to reflect upon it. It is a holiday that we remember the Nazi holocaust of the six million Jews and Catholics and Gypsies who were murdered during and around World War II. That tradition was then carried forward by Senator Winner of Buncombe and I think I have now inherited it. So, I would like to take just a minute to reflect on the meaning of this holiday and why it is important that here, fifty years after Auschwitz was liberated, that we in the North Carolina Senate still take a moment to remember those terrible events.

"I went this last fall with my mother to the Holocaust Museum in Washington. I really went because she wanted to go and she didn't want to go alone. So being a somewhat dutiful daughter, I went with her. And I was incredibly moved by the experience. I expected to be taken aback by the horror of it all and I was. It is incredible to really face what horrible things human beings are capable of doing to each other. But what surprised me was how obsessed I became by the question of how the rest of the world could let it happen. And I found that for days after that whenever I talked to somebody in my mother's generation, I asked, I couldn't help but ask, 'But what were you thinking in the late 1930's? How did we let this happen? How did the world let this build up and happen without stopping it before it reached such horror?' And I think that that is what is important for us to remember, not only that it is possible for humans to do these horrible things to each other, but that we have a very grave responsibility to step forward and make sure that it doesn't happen. Thank you."

CALENDAR (Continued)

H.B. 248 (Committee Substitute), a bill to clarify that Union County and Columbus County may assess a fire protection fee on certain mobile homes, upon second reading, temporarily displaced earlier.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly,

Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Rand, Shaw, Sherron, Soles, Speed, Warren, Webster, and Winner—43.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, May 1, for further consideration upon third reading.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 7 (Committee Substitute), a bill to restore constitutional powers to the State Board of Education and to make conforming and technical changes, changing the title upon concurrence to read **H.B. 7** (Senate Committee Substitute), a bill to clarify the Statutes so as to streamline the operations of the State education agency, with the motion of Senator Winner to appoint conferees prevailing earlier today.

The President *Pro Tempore* appoints Senators Perdue, Chairman, and Senators Plexico, Winner, and Little, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 373, a bill to prohibit the running of deer by dogs in the Town of Southern Shores, which Senate Amendment changes the title, upon concurrence, to read **H.B. 373**, a bill to prohibit the running of deer by dogs in the Town of Southern Shores and to prohibit the taking of deer with dogs in a portion of Richmond County, with the motion of Senator Conder to appoint conferees prevailing earlier today.

The President *Pro Tempore* appoints Senators Jordan, Chairman, and Senators Conder, Plyler, and Carrington, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Basnight, seconded by Senator Winner, the Senate adjourns at 4:28 P.M. to meet Monday, May 1, at 7:00 P.M.

FIFTY–FIFTH DAY

SENATE CHAMBER,
Monday, May 1, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, grant to each of us a sense of the Presence of Your Spirit so that we will not fear to walk down unfamiliar paths this week nor be held back by misgivings about ourselves and fear of others. Call us forward to the place of Your Will which is also the place of Your Power.

"Lord, forgive us if we take ourselves too seriously. We get so wrapped up in ourselves we forget how to laugh—to celebrate.

"As part of this week's agenda, at least once in a while, grant to us the grace and joy of laughter. We pray in Your Most Holy Name, Amen."

With unanimous consent, the President grants leaves of absence to Senator Smith due to hospitalization and to Senator Soles.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, April 27, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. C. B. Gantt of Sanford, who is serving the Senate as Doctor of the Day.

With unanimous consent, Rule 7 is suspended on motion of Senator Rand and the Chair orders the introduction of bills, petitions, and resolutions, the last order of business today.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee**:

S.B. 689, a bill to provide for special registration plates for supporters of the Olympic Games, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 554, a bill to provide for flags to signal the presence of skiers and other persons in the water, with a favorable report.

S.B. 668, a bill to remove the sunset from the statute permitting private contract participation by the Department of Transportation, with a favorable report, as amended.

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 159, a bill to rewrite Chapter 48 of the General Statutes relating to adoption as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 8624 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 638, a bill to permit the City of Sanford to convey certain parcels of real property at private sale.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 659 (Committee Substitute), a bill to prohibit hunting from the right-of-way of public roads in Duplin County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 662, a bill to change the manner of election of the Martin County Board of Education from nonpartisan election at the time of the primary to nonpartisan election at the time of the general election.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 733, a bill to allow law-enforcement officers to take physical custody of juveniles sixteen and seventeen years of age who are beyond the disciplinary control of their parents and absent from home.
Referred to **Judiciary II/Election Laws Committee.**

H.B. 766, a bill to clarify and make uniform the laws regarding the sale and distribution of tobacco products to persons less than eighteen years old.
Referred to **Judiciary I/Constitution Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 137, an act to modify the membership of the Rockingham Tourism Development Authority. (Ch. 52)

H.B. 146, an act to allow the City of Lumberton to enact ordinances regulating the towing of motor vehicles that have been abandoned and are not covered by financial responsibility. (Ch. 53)

H.B. 212, an act to authorize the City of Greensboro to use the single-prime contract system for the expansion of sewage treatment facilities. (Ch. 54)

H.B. 343, an act to clarify the law on hunting with dogs in Anson County. (Ch. 55)

H.B. 493, an act to repeal a local act modifying the vote required for private sale of property by the City of Greensboro for public purposes. (Ch. 56)

H.B. 529 (Committee Substitute), an act to authorize the Recreation Commission of the Town of Lincolnton to convey by private sale certain property to the City of Lincolnton. (Ch. 57)

H.B. 553, an act to repeal a local act requiring Harnett County's animal control officers to perform their duties under the supervision and control of the Harnett County Health Director. (Ch. 58)

H.B. 604, an act to authorize the Town of Sunset Beach to regulate and control debris and other materials resulting from boating accidents. (Ch. 59)

CALENDAR

S.B. 677, a bill permitting the Board of Trustees of Southeastern Community College to grant security interests to federal agencies, on today's Calendar.

With unanimous consent, on motion of Senator Rand, the bill is taken up out of its regular order of business and upon his further motion consideration of the bill is postponed until tomorrow, Tuesday, May 2.

S.B. 709, a bill to validate certain actions of Columbus County Water and Sewer District I, on today's Calendar.

With unanimous consent, on motion of Senator Rand, the bill is taken up out of its regular order of business and upon his further motion consideration of the bill is postponed until tomorrow, Tuesday, May 2.

S.B. 679, a bill to validate certain actions of water and sewer districts, on today's Calendar.

With unanimous consent, on motion of Senator Rand, the bill is taken up out of its regular order of business and upon his further motion consideration of the bill is postponed until tomorrow, Tuesday, May 2.

COMMITTEE REFERRAL RECALL

H.B. 456 (Committee Substitute), a bill to create the North Carolina Progress Board, referred to the **Rules and Operation of the Senate Committee** on April 27.

Pursuant to Rule 47(b), Senator Rand offers a motion the Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Commerce Committee**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Rules and Operation of the Senate Committee** and re-refers the measure to the **Commerce Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 602, a bill to incorporate the Town of Foscoe, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper,

Dannelly, Davis, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Speed, Warren, and Winner—46.

Voting in the negative: Senators East and Webster—2.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 684, a bill amending the Charter of Durham to authorize the making of emergency repairs to nonresidential buildings, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

COMMITTEE REFERRAL RECALL

H.B. 773 (Committee Substitute), a bill to provide for direct access by women to obstetrician-gynecologists, referred to **Pensions and Retirement/Insurance/State Personnel Committee** on April 27.

Pursuant to Rule 47(b), Senator Conder offers a motion the Committee Substitute bill be taken from the **Pensions and Retirement/Insurance/State Personnel Committee** and placed on the Calendar for tonight upon its passage preceding an identical bill, **S.B. 566**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Pensions and Retirement/ Insurance/State Personnel Committee** and places it on the Calendar for tonight preceding **S.B. 566**, for consideration upon its passage.

PERSONAL PRIVILEGE

Senator Sawyer rises to a point of personal privilege and requests his remarks be spread upon the Journal. His remarks honoring the lives of John Thomas Fowler, Joe King, and Marshall Kurfees, with unanimous consent, are spread upon the Journal, as follows:

"Well, this is my maiden speech for the 1995 Senate. Up to this point I haven't been able to speak more than about two or three sentences in a row. But I did have something that I wanted to share with you, and being in several discussions with my distinguished seatmate here. We were discussing some personalities in Winston-Salem. And one thing about making these few remarks, I did want you to know that I was capable of saying a few words, that I'm not like a mummy or a pyramid imbedded in the inscrutable 'sands of the Nile.'

"But I asked him about a certain man by the name of John T. Fowler, John Thomas Fowler. His father was in the tobacco business, as so many people in

Winston–Salem are, RJR. And I soldiered with him at Fort Bragg, back in the old days of the wagon soldiers; and the wagon soldiers, of course, are the caissons and the pieces of field artillery. And we went on to go our separate ways, and this man went to England with the Eighth Air Force, and he was a tail–gunner on a B–17. He became a Staff Sergeant and later became a Captain. And he was awarded the Distinguished Flying Cross and several air medals, and he shot down German planes and ME–109s all over Germany and all over France. And I just hated to think that this man would pass into anonymity and this is why I wanted to say a word or two about him. But he was a great soldier. He was a graduate of the University of North Carolina. And that's where he's buried today—in a modest little grave on a hill over there right adjacent to the University of North Carolina. And my voice can't help but quiver when I think about this man because at least I can say that I knew one brave man.

"Another man that I wanted to just speak a short word concerning is one Joe King, and if you've lived in the vicinity of Winston–Salem, I'm sure you know who Joe King is. When I was here, up at the Old Capitol Building in 1951, his claim to fame was a little dummy that he carried around, and he did a ventriloquist act. And later he became one of the world's greatest artists; his oil paintings hang in some of the greatest museums in the world, and one, particularly, he was commissioned to paint Queen Elizabeth. And that one is here in the vicinity of this Building. But we all know him as Joe King. He was a great man, he was very witty, and he was a very, very intelligent person. In fact, he was right up there at the tops as far as the House of Representatives was concerned, and he was a member of the House of Representatives.

"Another man that I would like to pay just a moment of tribute to is a former mayor of Winston–Salem, Marshall Kurfees. And I used to take groups of soldiers, combat people just out of the hospital and soldiers who were back from the war and I was the one that usually engineered this because I knew what would happen. And I'd call Marshall and I'd tell him that I had a group of soldiers and there might be twenty of us, and he would invite us over to his house and if you wanted to see 'southern hospitality' at its best, the Mayor of Winston–Salem, Marshall Kurfees, was able to accomplish that.

"And with that, I'll go my ways, and may I have some Senate bill at a later date that I can come back and do a little more than what I'm doing here. Thank you very much."

CALENDAR (Continued)

H.B. 128 (Committee Substitute), a bill to permit the City of Henderson and the City of Asheville to use wheel locks on certain illegally parked vehicles, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Speed, Warren, and Webster—47.

Voting in the negative: Senator Winner—1.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 248 (Committee Substitute), a bill to clarify that Union County and Columbus County may assess a fire protection fee on certain mobile homes, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 726, a bill to allow Wake County to acquire property for use by the County Board of Education, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Speed, Warren, Webster, and Winner—48.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, May 2, for further consideration upon third reading.

S.B. 300 (Committee Substitute), a bill to authorize the Department of Commerce to pledge block grant funds as loan guarantees pursuant to the Housing and Community Development Act, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Speed, Warren, Webster, and Winner—42.

Voting in the negative: Senators Ballantine, Foxx, Kincaid, McDaniel, Page, and Simpson—6.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, May 2, for further consideration upon third reading.

S.B. 289, a bill relating to the terms of office of the County Commissioners of Ashe County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 606, a bill to provide for the creation of facility authorities and to establish the Centennial Authority, upon second reading.

On motion of Senator Kerr, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Clark, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Sherron, Simpson, Speed, Warren, and Webster—41.

Voting in the negative: Senators Ballantine, Cochrane, Forrester, Little, Page, Shaw, and Winner—7.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, May 2, for further consideration upon third reading.

S.B. 140 (Committee Substitute), a bill to clarify the purpose for a moment of silence in the public schools and to prohibit local boards of education from adopting policies that deny certain First Amendment rights.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The Committee Substitute bill passes its second reading (48–0).

Senator Ballance objects to the third reading of the measure. Pursuant to Rule 50, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 2, for further consideration upon third reading.

S.B. 308, a bill to amend the law regarding Medicaid fraud.

The bill passes its second (47–0) and third (48–0) readings and is ordered sent to the House of Representatives.

S.B. 353 (Committee Substitute), a bill to make technical amendments and corrections in the insurance laws.

The Committee Substitute bill passes its second (47–1) and third (46–0) readings and is ordered sent to the House of Representatives.

S.B. 431, a bill to remove the sunset on the Charlotte–Mecklenburg school funding pilot.

The bill passes it second (43–2) and third readings and is ordered sent to the House of Representatives.

H.B. 773 (Committee Substitute), a bill to provide for direct access by women to obstetrician–gynecologists, placed earlier tonight on the Calendar for consideration upon its passage.

The Committee Substitute bill passes its second (46–0) and third readings and is ordered enrolled.

S.B. 566 (Committee Substitute), a bill to provide for direct access by women to obstetrician–gynecologists.

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill is recommitted to the **Pensions and Retirement/Insurance/State Personnel Committee**.

INTRODUCTION OF BILLS

Senator Gulley offers a motion that Rule 40 be suspended to allow the introduction and referral to the **Education/Higher Education Committee** of **S.B. 940** and **S.B. 941** filed April 27, which motions prevail by a two-thirds majority vote.

By Senators Gulley, Winner, Little, McKoy, Plexico, and Hartsell:
S.B. 940, a bill to enact the Charter School Act of 1995.
Referred to **Education/Higher Education Committee.**

By Senators Hartsell, Plexico, Gulley, and Little:
S.B. 941, a bill to enact the Charter Schools Act of 1995.
Referred to **Education/Higher Education Committee.**

CALENDAR (Continued)

S.B. 652 (Committee Substitute), a bill to make changes to the General Statutes pertaining to small employer health care coverage.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker.

The Committee Substitute bill passes its second (48–0) and third readings and is ordered sent to the House of Representatives.

S.B. 721, a bill to increase the maximum amount that may be recovered in strict liability for damage to person or property by minors.

On motion of Senator Cooper, Committee Amendment No. 1 is adopted.

Senator Winner offers Amendment No. 2 which is adopted (46–1).

Senator Rand offers Amendment No. 3, which, following lengthy debate, is adopted (26–21).

The bill, as amended, passes its second reading (41–7).

With unanimous consent, the bill, as amended, remains before the Senate for further consideration upon third reading.

Senator Sherron rises to object to the third reading of the measure, which the Chair rules out of order.

Senator Sherron offers a motion the bill be removed from tonight's Calendar and placed on the Calendar for tomorrow, Tuesday, May 2, which motion fails of adoption (21–26). The question becomes passage of the measure, upon third reading.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 838, a bill to exempt the Young Men's Christian Association and the Young Women's Christian Association from the licensure requirements of the North Carolina Charitable Solicitations Act.

The bill passes its second reading (47–0).

Senator Winner objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 2, for further consideration upon third reading.

H.B. 331, a bill to allow disabled persons to apply to the Wildlife Resources Commission for hunting and fishing methods exemptions to provide reasonable accommodations for their disabilities.

The bill passes its second (46–1) and third readings and is ordered enrolled.

H.B. 405 (Committee Substitute), a bill to authorize the Wildlife Resources Commission to regulate the manner of taking wildlife not classified as game animals.

With unanimous consent, on motion of Senator Warren, consideration of the bill is postponed until tomorrow, Tuesday, May 2.

PAGES

The President recognizes the following pages serving in the Senate this week:

Laura McKenzie Bright, Cary; Gregory Brooks Drumwright, Burlington; Kendra Brown, Charlotte; Candace Laurel Bullock, Raleigh; Emmet John Byrne, Raleigh; Nathan Blair Clark, Clyde; Phillip Ray Dixon, Jr., Greenville; Ebony Angel Ebron, Knightdale; Katherine Tyler Goodman, Jacksonville; Carla Hales, Morehead City; Christi Hales, Morehead City; Jason Ray Hall, Elon College; Jamie Brittain Heath, Clemmons; Mary Grace Holland, Smithfield; Meredith Sermons Lynch, Pollocksville; Lucy Elizabeth Melvin, Eden; Stephen Goodnight Myers, Concord; David E. Peedin, Princeton; Amy Patterson Stallings, Smithfield; and Mary Laura Wicker, Rocky Mount.

APPOINTMENTS BY THE GOVERNOR

The Chair directs the Reading Clerk to read:

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh, 27603–8001

May 1, 1995

The Honorable Marc Basnight
Senate President *Pro Tempore*
2007 Legislative Building
Raleigh, NC 27601

Dear Mr. President Pro Tem:

Pursuant to General Statute 62–10, I hereby appoint Jo Anne Sanford as a member of the North Carolina Utilities Commission and submit her name for confirmation by the North Carolina General Assembly. Ms. Sanford will serve a term to begin July 1, 1995 and to expire June 30, 2003.

Ms. Sanford has served with distinction as Special Deputy Attorney General in charge of the Department of Justice section which includes jurisdiction on utilities matters. Biographical information on Ms. Sanford is enclosed. Please feel free to call on her or my staff if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt
Governor

Referred to **Commerce Committee.**

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27603–8001

May 1, 1995

The Honorable Marc Basnight
Senate President *Pro Tempore*
2007 Legislative Building
Raleigh, NC 27601

Dear Mr. President Pro Tem:

Pursuant to General Statute 62–15, I hereby re–appoint Robert P. Gruber as Executive Director of the Public Staff of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. Mr. Gruber will serve a term to begin July 1, 1995 and to expire June 30, 2001.

Mr. Gruber has served ably during his previous two terms in this position and I am confident he will continue to represent the public well. Biographical information on Mr. Gruber is enclosed. Please feel free to call on him or my staff if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt
Governor

Referred to **Commerce Committee.**

REPORTS TO GENERAL ASSEMBLY

Agencies directed to report to the General Assembly submit reports (*See Addendum*) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapters 399 and 363 of the 1993 Session Laws, the North Carolina Department of Justice submits its Report on Mediation Programs at the Industrial Commission and the Office of Administrative Hearings; and

Pursuant to G.S. 7A–38, the Administrative Office of the Courts submits its Report Evaluating the Pilot Mediated Settlement Conference Program; and

Pursuant to Section 219, Chapter 321 of the 1993 Session Laws, the North Carolina Department of Human Resources submits its Annual Report of Activities and Expenditures.

RESOLUTION FROM ANOTHER STATE

The following resolution received April 27, 1995, from another legislative body is presented to the Senate and is ordered filed in the Office of the Principal Clerk with the papers of the Senate:

Arizona Senate Concurrent Resolution 1006, adopting a Declaration of Sovereignty. (*See Appendix*)

INTRODUCTION OF BILLS AND RESOLUTIONS

The last order of business is presented, it being bills and resolutions filed for introduction, which are read the first time, and disposed of, as follows:

By Senator Ballance:
S.B. 876, a bill to provide maximum fees that may be charged by financial institutions and merchants for returned checks and to provide that a portion of the fees collected by financial institutions for returned checks shall be used for public school building capital costs.
Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re–referred to the **Finance Committee**.

By Senator Ballance:
S.B. 877, a bill to establish pilot projects for community rehabilitation programs and to appropriate funds for these pilot projects.
Referred to **Appropriations Committee**.

By Senators Conder and Plyler:
S.B. 878, a bill to authorize certain airport boards and commissions to own, operate, and finance the purchase and improvement of water and wastewater systems.
Referred to **Finance Committee**.

By Senator Perdue:
S.B. 879, a bill to transfer the North Carolina State Ports Authority and the North Carolina Ports Railway Commission to the Department of Transportation, to amend the responsibilities of the Board of Transportation, and to provide for two appointments to the Ports Authority Board to be made by the President *Pro Tempore* of the Senate.
Referred to **Transportation Committee**.

By Senators Soles and Ballantine:
S.B. 880, a bill to provide additional insurance coverage for beach property.
Referred to **Pensions and Retirement/Insurance/State Personnel Committee**.

By Senators Soles and Parnell:

S.J.R. 881, a joint resolution authorizing the Legislative Research Commission to study the availability and affordability of coastal insurance.

Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 882, a bill to provide that the North Carolina Industrial Commission perform investigations and other related activities regarding cases of suspected fraud and violations related to workers' compensation claims.

Referred to **Judiciary I/Constitution Committee.**

By Senator Sherron:

S.B. 883, a bill to establish a North Carolina Parks and Recreation Authority and to dedicate funds to the Parks and Recreation Trust Fund and to the Natural Heritage Trust Fund.

Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 884, a bill to allow the preparation of fire sprinkler planning and design drawings by a licensed fire sprinkler contractor under the Engineering and Land Surveying Act.

Referred to **Commerce Committee.**

By Senator Sherron:

S.B. 885, a bill to require the Building Code Council to adopt alternative safety systems for buildings built prior to 1953.

Referred to **Commerce Committee.**

By Senators Cooper, Ledbetter, and Clark:

S.B. 886, a bill to amend the hospital cooperation act regarding cooperative agreements.

Referred to **Finance Committee.**

By Senator Cooper:

S.B. 887, a bill to clarify that law enforcement agencies and officials have good faith immunity from liability for the public release of records of criminal investigations.

Referred to **Judiciary I/Constitution Committee.**

By Senator Ballance:

S.B. 888, a bill to appropriate funds for economic and tourism development by the Lake Gaston Regional Development Association.

Referred to **Appropriations Committee.**

By Senators Warren, Hobbs, Hoyle, and Carpenter:

S.B. 889, a bill to require insurers to obtain the services of credit card systems through licensed agents.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Warren, Martin of Pitt, Albertson, Conder, Dannelly, Rand, Plyler, Sherron, and Carpenter:

S.B. 890, a bill to amend the definition of cardiac rehabilitation program and to make conforming changes to the law governing cardiac rehabilitation programs.

Referred to **Children and Human Resources Committee.**

By Senator Odom:
S.B. 891, a bill to revise the Solid Waste Management Act of 1989 and related statutes.
Referred to **Commerce Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senator Odom:
S.B. 892, a bill to authorize the Legislative Research Commission to study the problem of the drug impaired driver.
Referred to **Appropriations Committee.**

By Senator Odom:
S.B. 893, a bill to appropriate funds for the D.A.R.E. Program to expand it to every fifth, seventh, and ninth grade class in the State, and to appropriate funds for the statewide hookup of computer compatible intoxilizers with the Administrative Office of the Courts' computer system.
Referred to **Appropriations Committee.**

By Senator Conder:
S.B. 894, a bill to restore the motor fuel tax exemption for fuel used in vehicles owned by a community college.
Referred to **Finance Committee.**

By Senators Gulley, Albertson, Winner, Martin of Pitt, Dannelly, Hoyle, Rand, Cooper, Martin of Guilford, Carpenter, Allran, Soles, Speed, Forrester, and Jordan:
S.B. 895, a bill recommended by the Child Fatality Task Force to appropriate funds to reinstate the Students Against Driving Drunk (ADD) Coordinator position.
Referred to **Appropriations Committee.**

By Senators Rand, Perdue, and Gulley:
S.B. 896, a bill to enhance the investigative capabilities of law enforcement in cases of drug trafficking and other serious crimes by permitting the use of electronic surveillance in limited circumstances.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Rand, Cooper, Martin of Guilford, Hoyle, Gulley, Winner, Perdue, Dannelly, Albertson, Martin of Pitt, Kerr, Warren, Carrington, Parnell, Sherron, Ballance, Lucas, Plexico, Hobbs, Plyler, Jordan, Horton, Odom, and Conder:
S.B. 897, a bill to appropriate funds to the Department of Cultural Resources, Division of State Library, to provide grants to public libraries for construction, planning, and renovation projects.
Referred to **Appropriations Committee.**

By Senator Rand:
S.B. 898, a bill to appropriate funds to the Board of Governors of the University of North Carolina and the Department of Community Colleges for the construction and improvement of marine sciences facilities in Carteret County.
Referred to **Appropriations Committee.**

By Senators Rand and Carpenter:

S.B. 899, a bill to provide that certain financial institutions' records are confidential.

Referred to **Commerce Committee.**

By Senator Rand:

S.B. 900, a bill to appropriate funds for personnel needs of the Fayetteville TEACCH Program.

Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 901, a bill to provide parity between the President *Pro Tempore* and the Speaker by having certain appointments made by or upon the recommendation of the President *Pro Tempore* of the Senate rather than the President of the Senate.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Martin of Guilford, Cooper, Winner, Martin of Pitt, Dannelly, and Albertson:

S.B. 902, a bill recommended by the Child Fatality Task Force to appropriate funds for multidisciplinary training for child sexual abuse investigation.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Cooper, Winner, Martin of Pitt, Allran, Dannelly, and Albertson:

S.B. 903, a bill recommended by the Child Fatality Task Force to appropriate funds for substance abuse services for juveniles under supervision of the court.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Ballance, and Dannelly:

S.B. 904, a bill to extend the substance abuse treatment pilot program for parolees and probationers.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Ledbetter, Lucas, Plexico, Gulley, Winner, Ballance, Carpenter, Forrester, Speed, Hartsell, Clark, and Dannelly:

S.B. 905, a bill to affect the membership of the State Fire and Rescue Commission.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Martin of Guilford, Winner, Martin of Pitt, and Dannelly:

S.B. 906, a bill recommended by the Child Fatality Task Force to appropriate funds for ten Child Maltreatment Resource Centers.

Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 907, a bill to allow service of process by a private process server when process is returned unexecuted.

Referred to **Judiciary I/Constitution Committee.**

By Senators Hartsell and Soles:

S.B. 908, a bill relating to the power of water and sewer authorities created pursuant to Article 1 of Chapter 162A of the General Statutes to require

connections to water systems, sewer systems, or combined water and sewer systems owned, leased, or operated, by the authorities and to the power of cities and counties to require connections to water and sewer systems.

Referred to **Finance Committee.**

By Senators Perdue, Plexico, Hoyle, Martin of Guilford, Martin of Pitt, Speed, Soles, Ballance, Lucas, Kerr, Albertson, Rand, Plyler, Warren, Forrester, Jordan, Cooper, Dannelly, Hobbs, Gulley, and Conder:

S.B. 909, a bill to appropriate funds to provide teachers with the same longevity benefits as State employees.

Referred to **Appropriations Committee.**

By Senators Gulley and Dannelly:

S.B. 910, a bill to reduce the State sales tax on food from four percent to three percent.

Referred to **Finance Committee.**

By Senators Albertson, Kerr, Warren, and Jordan:

S.B. 911, a bill to appropriate funds for the construction of a civic center to be located at the James Sprunt Community College in Duplin County.

Referred to **Appropriations Committee.**

By Senators Plyler, Perdue, Hobbs, Odom, and Conder:

S.B. 912, a bill to appropriate funds for the construction of a new highway patrol troop headquarters complex in Eastern North Carolina and for personnel to staff the complex.

Referred to **Appropriations Committee.**

By Senators Plyler and Albertson:

S.B. 913, a bill to appropriate funds to the Department of Agriculture for expansion of mycoplasma and bacteriology services.

Referred to **Appropriations Committee.**

By Senators Dannelly, Albertson, Winner, Hoyle, Hobbs, Gulley, Rand, Martin of Guilford, Allran, and Warren:

S.B. 914, a bill to provide for the sharing of sick leave between public school employees and State employees subject to the State Personnel Act.

Referred to **Children and Human Resources Committee.**

By Senator Plyler:

S.B. 915, a bill to modify the law governing neighborhood public roads.

Referred to **Transportation Committee.**

By Senators Albertson, Dannelly, Speed, Warren, Hoyle, Hobbs, Cooper, Winner, Gulley, Rand, Allran, Martin of Pitt, Martin of Guilford, Perdue, Odom, Conder, and Webster:

S.B. 916, a bill to provide for prelitigation mediation of farm disputes regarding nuisance claims.

Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Albertson, Dannelly, Speed, Warren, Kerr, Hoyle, Cooper, Gulley, Odom, Conder, Hobbs, Allran, Martin of Pitt, and Webster:

S.B. 917, a bill to appropriate funds for the Agriculture Cost Share Program for Nonpoint Source Pollution Control to be used for capital expenses associated with developing agriculture waste management measures.

Referred to **Appropriations Committee.**

By Senators Allran, Davis, East, Dannelly and Winner:

S.B. 918, a bill to permit the State Board of Education to authorize the emergency closing of individual schools.

Referred to **Education/Higher Education Committee.**

By Senator Hobbs, Conder, Jordan, Odom, Plyler, Perdue, Hoyle, Albertson, Gulley, Plexico, and Rand:

S.B. 919, a bill to permit a motor vehicle dealer to name a successor to the franchise and to require that objections to this appointment be raised at the time the appointment is made.

Referred to **Transportation Committee.**

By Senators Hobbs, Jordan, Hoyle, Odom, Conder, Kerr, Winner, Dannelly, Plexico, Ballance, Lucas, and Rand:

S.B. 920, a bill to appropriate funds to State aid to local school administrative units for school nurses.

Referred to **Appropriations Committee.**

By Senators Hobbs, Jordan, Odom, Hoyle, Kerr, Dannelly, Winner, Gulley, Conder, Plexico, Ballance, and Lucas:

S.B. 921, a bill to appropriate funds to increase and sustain the capacity of nonprofit housing developers to produce affordable housing.

Referred to **Appropriations Committee.**

By Senators Winner, Kerr, Lucas, Hartsell, and Simpson:

S.B. 922, a bill to provide additional educational and career opportunities for teacher assistants.

Referred to **Education/Higher Education Committee.**

By Senators Winner and Perdue:

S.B. 923, a bill to appropriate funds to the Board of Governors of the University of North Carolina for faculty development.

Referred to **Appropriations Committee.**

By Senators Warren and Martin of Pitt:

S.B. 924, a bill to limit, when a creditor seeks to enforce a judgment against a debtor, the current exemption extended to the debtor for compensation the debtor received for personal injury or for the death of one upon whom the debtor was dependent.

Referred to **Judiciary I/Constitution Committee.**

By Senator Ballance:

S.B. 925, a bill to limit, to modify, and enhance the attempting to elude arrest statutes.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Perdue:

S.R. 926, a Senate simple resolution urging North Carolina's Congressional delegation to make every effort to ensure the transfer of the F–18 Aircraft Wing from the Naval Air Station Cecil Field, Florida, to the Marine Corps Air Station Cherry Point, North Carolina.

Pursuant to Rule 40(b), the Senate simple resolution is held in the Office of the Principal Clerk.

By Senator Simpson:

S.B. 927, a bill to provide that no permit is required for small landfills for the disposal of demolition debris to be located in a rural county that has no licensed demolition debris landfill.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senator Cooper:

S.B. 928, a bill to revise the law governing the procedures for filing and maintaining shareholder derivative suits.

Referred to **Judiciary I/Constitution Committee.**

By Senator Cooper:

S.B. 929, a bill to make various amendments to the North Carolina Rules of Civil Procedure regarding service of process and depositions in a foreign country and the determination of foreign law to be applied in certain civil actions.

Referred to **Judiciary I/Constitution Committee.**

By Senators Soles and Carpenter:

S.B. 930, a bill to provide for direct payment of licensed pharmacists under health insurance policies and plans.

Referred to **Children and Human Resources Committee.**

By Senator Kincaid:

S.B. 931, a bill to provide safeguards to reduce the chances and lessen the effects of workers' compensation self–insurance insolvencies and appropriate funds to implement this act.

Referred to **Appropriations Committee.**

By Senator Kincaid:

S.B. 932, a bill to reform the insurance laws.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

On motion of Senator Basnight, seconded by Senator Edwards, the Senate adjourns at 9:43 P.M. to meet tomorrow, Tuesday, May 2, at 3:00 P.M.

FIFTY–SIXTH DAY

SENATE CHAMBER,
Tuesday, May 2, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Tom Austin, Pastor of Knollwood Baptist Church in Winston–Salem, as follows:

"God of the Universe, grant us to know we are made by love and for love, and in Your world we learn to love or hate. Help us to understand acutely today that there are but two loves: love of ourselves and love of God and of others.

"And each time that we love ourselves, there is a little less love for You and for others; it's a draining away of love, it's a loss of love, for love is made to leave self and fly toward others.

"Each time it's diverted to ourselves, it withers, rots, and dies. Love of self, Lord, is a poison that we absorb each day; love of self offers us bread and gives none to our neighbor; love of self chooses the best part and keeps the best place; love of self indulges our senses and supplies them from the table of others; love of self speaks about self and makes us deaf to the words of others; love of self chooses, and forces that choice on a friend; love of self puts on a false front; it wants to shine, overshadowing others; love of self is self–pitying and overlooks the suffering of others; love of ourselves advertises our ideas and despises those of others; love of ourselves thinks us virtuous, it calls us good people; love of self induces us to make money, to spend it for our pleasure, to hoard it for our future; love of self advises us to give to the poor in order to ease our consciences and live in peace.

"What is more serious, Lord, is that love of self is a stolen love. It was destined for others; they needed it to live, to thrive and we have diverted it. So the love of self creates human suffering, human misery, the wretchedness of people.

"Today, Lord, I ask You to help us to love. Grant us, Lord, to spread true love in Your world. Grant that by us and Your children it may penetrate a little into all circles, all societies, all economic and political systems, all debates, all laws, all committee meetings, all contracts, all rulings; grant that it may penetrate into offices, factories, apartment buildings, movie houses, dance halls, churches and temples; grant that it may penetrate the hearts of people, and that we may never forget that the battle for a better world is a battle of love in the service of love.

"Help us to love, Lord, not to waste our powers of love, to love ourselves less and less in order to love others more and more, that around us, no one should suffer or die because we have stolen the love they needed to live.

"We make our prayer in the name of The God of all people. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Smith due to hospitalization.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, May 1, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Elizabeth P. Kanof of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 321, an act authorizing the State Board of Education to adopt eligibility rules for interscholastic athletic competition. (Ch. 60)

H.B. 248 (Committee Substitute), an act to clarify that Union County and Columbus County may assess a fire protection fee on certain mobile homes. (Ch. 61)

H.B. 331, an act to allow disabled persons to apply to the Wildlife Resources Commission for hunting and fishing methods exemptions to provide reasonable accommodations for their disabilities. (Ch. 62)

H.B. 773 (Committee Substitute), an act to provide for direct access by women to obstetrician–gynecologists. (Ch. 63)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 764, a bill to make adjustments in the Deer Management Assistance Program of the Wildlife Resources Commission, with a favorable report.

By Senator Kerr for the **Finance Committee**:

S.B. 180, a bill to authorize certain businesses to file quarterly reports with the Employment Security Commission by telephone, or to be exempt from filing quarterly reports, under certain circumstances, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Committee Substitute bill 9600, which changes the title to read **S.B. 180** (Committee Substitute), a bill to increase the minimum payment due to the Employment Security Commission from one dollar to five dollars, to authorize certain businesses to file annual reports with the Employment Security Commission rather than quarterly reports, and to authorize certain businesses that are allowed to file annual reports to file by telephone, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Wednesday, May 3, for further consideration.

By Senator Sherron for the **Finance Committee:**

S.B. 339, a bill to grant added powers to the Stanly Airport Authority related to constructing an industrial park, with a favorable report.

S.B. 524, a bill making sundry amendments concerning local governments in Orange County, with a favorable report.

S.B. 693, a bill to make technical amendments to improve the administration of the property tax on motor vehicles, with a favorable report.

S.B. 166 (Committee Substitute), a bill to amend certain provisions of law that regulate attorneys–at–law, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Rand:
S.B. 933, a bill to phase down the sales tax on electricity and natural gas used in farming and manufacturing from three percent to one percent over six years.
Referred to **Finance Committee.**

By Senator Plexico:
S.B. 934, a bill to appropriate funds to increase soil and water conservation district supervisor travel and per diem funds.
Referred to **Appropriations Committee.**

By Senator Plexico:
S.B. 935, a bill to appropriate funds to reinstate the administrative officer position in the Division of Soil and Water Conservation in the Department of Environment, Health, and Natural Resources.
Referred to **Appropriations Committee.**

By Senator Plexico:
S.B. 936, a bill to establish the Families of Persons with Disabilities Support Act.
Referred to **Children and Human Resources Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

By Senators Lucas, Martin of Guilford, Warren, Hobbs, and Ballance:
S.B. 937, a bill to impose criminal penalties for the abuse or neglect of elder adults living at home.
Referred to **Judiciary I/Constitution Committee.**

By Senators Lucas and Ballance:
S.B. 938, a bill to reenact the provision allowing boards of elections to keep polls open to 9:30 P.M. under certain circumstances, which was enacted in 1991 but expired on January 1, 1995.
Referred to **Judiciary II/Election Laws Committee.**

By Senators Lucas, Hobbs, and Forrester:
S.B. 939, a bill to amend the occupational disease, illness, and injury reporting law.
Referred to **Children and Human Resources Committee.**

By Senators Simpson and Hartsell:
S.B. 942, a bill to repeal proportionality review on direct appeal.
Referred to **Judiciary I/Constitution Committee.**

By Senators Kerr and Hoyle:
S.B. 943, a bill to address motor fuel tax evasion and to improve the administration of the motor fuel taxes by changing the point of taxation of gasoline and diesel fuel, to repeal the minimum highway use tax, and to strengthen the enforcement of the road tax paid by motor carriers.
Referred to **Finance Committee.**

By Senators Hobbs, Little, East, Ballantine, Webster, Hoyle, Albertson, Martin of Pitt, Cochrane, Kincaid, Carrington, Foxx, Page, Clark, Ledbetter, and Sherron:
S.B. 944, a bill to provide immunity from liability for equine activities.
Referred to **Judiciary I/Constitution Committee.**

By Senators Winner and Plexico:
S.J.R. 945, a joint resolution setting the date for the House of Representatives and Senate to elect members to the State Board of Community Colleges.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Plexico:
S.B. 946, a bill to create the Legislative Technology Oversight Commission.
Referred to **Appropriations Committee.**

By Senators Winner, Odom, Horton, Parnell, and Cooper:
S.B. 947, a bill to authorize the Department of Justice to provide criminal record checks to domiciliary care facilities, home care agencies, hospices, licensed child placing agencies, residential child care facilities, and other providers of treatment for or services to children, the elderly, and the sick and disabled.
Referred to **Judiciary I/Constitution Committee.**

By Senators Cochrane, Kerr, Parnell, Plexico, Horton, Kincaid, Little, Simpson, Hartsell, Hoyle, McDaniel, Blackmon, Ballantine, Carrington, Martin of Pitt, Allran, and Forrester:
S.J.R. 948, a joint resolution creating the Joint Select Committee on the Use of Outside Counsel by the State of North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Conder:
S.B. 949, a bill to appropriate funds to North Carolina State University to study reducing the level of tar in cigarettes.
Referred to **Appropriations Committee.**

By Senators Blackmon and Hartsell:
S.B. 950, a bill to create uniform procedures for air, water, and mining permit appeals and to streamline the permit appeal process.
Referred to **Judiciary II/Election Laws Committee.**

By Senator Gulley:

S.B. 951, a bill to direct the Department of Environment, Health, and Natural Resources to study ways to simplify and improve environmental regulation through coordination, compliance assistance, and incentives for enhanced self-regulation and to study ways to streamline the permit process.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Gulley and Lucas:

S.B. 952, a bill to appropriate funds for North East Central Durham Initiative's Welfare Reform Model Program.

Referred to **Appropriations Committee.**

By Senator Gulley:

S.B. 953, a bill to revise the environmental permit appeals process by clarifying who is eligible to initiate a contested case concerning such permits.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Ballance:

S.B. 954, a bill to authorize the appointment of a new special superior court judge and to authorize a new district court judge and a new assistant district attorney for a drug court to be established in District 9.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Ballance:

S.B. 955, a bill prohibiting the unauthorized use of wireless telecommunications services and establishing civil and criminal penalties for acts relating to such use.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Rand and Edwards:

S.B. 956, a bill to establish a criminal case management pilot program in the Twelfth and Thirteenth Judicial Districts and to appropriate funds to implement the pilot projects.

Referred to **Appropriations Committee.**

By Senator Kerr:

S.B. 957, a bill to appropriate funds to establish a teacher training program in the field of visual impairment.

Referred to **Appropriations Committee.**

By Senator Kerr:

S.B. 958, a bill to appropriate funds for public schools and community colleges in Wayne and Greene Counties.

Referred to **Appropriations Committee.**

By Senator Cooper:

S.B. 959, a bill to appropriate funds to the Department of Crime Control and Public Safety for the multijurisdictional drug task forces.

Referred to **Appropriations Committee.**

By Senator Cooper:

S.B. 960, a bill to appropriate funds to the Town of Nashville for the completion of a police and fire department complex.

Referred to **Appropriations Committee.**

By Senators Cooper, Rand, Gulley, Odom, and Warren:

S.B. 961, a bill to provide for nonpartisan election of trial judges in their districts, and to provide for nonpartisan election of appellate judges.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Conder, Plyler, and Kincaid:

S.B. 962, a bill to repeal the watershed protection provisions of Article 21 of Chapter 143 of the General Statutes and to make corresponding amendments to other related provisions of current laws.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Plyler and Conder:

S.B. 963, a bill to appropriate funds to the Board of Governors of the University of North Carolina to support the Administrative Officers Management Program at North Carolina State University.

Referred to **Appropriations Committee.**

By Senators Plyler, Perdue, Odom, and Conder:

S.B. 964, a bill to appropriate funds to the Department of Crime Control and Public Safety to employ and equip one hundred additional highway patrol troopers.

Referred to **Appropriations Committee.**

By Senators Plyler, Perdue, Odom, and Conder:

S.B. 965, a bill to appropriate funds to aid students attending private colleges.

Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 966, a bill to increase the cosmetology examination and licensure fees and to allow the board to administer examinations for registration of teachers to charge a fee for the examination.

Referred to **Finance Committee.**

By Senators Foxx, McDaniel, Kincaid, Carrington, Ballantine, Ballance, Page, Blackmon, Shaw, Cochrane, Forrester, Little, Davis, Webster, Carpenter, Horton, Ledbetter, Clark, McKoy, Parnell, Sherron, Lucas, Speed, Warren, Martin of Pitt, Jordan, Odom, Martin of Guilford, Perdue, Hoyle, Hartsell, Sawyer, Kerr, Plyler, Albertson, Simpson, Plexico, and Conder:

S.B. 967, a bill to establish a pilot program to permit community colleges to use inmate labor for capital construction projects.

Referred to **Education/Higher Education Committee.**

By Senators Sherron, Albertson, Plyler, Speed, and Martin of Pitt:

S.B. 968, a bill to appropriate funds to the Board of Governors of the University of North Carolina for the construction of the Visitor and Education Center at the North Carolina State University Arboretum.

Referred to **Appropriations Committee.**

By Senator Perdue:
S.B. 969, a bill concerning the Atlantic States Marine Fisheries Compact.
Referred to **Agriculture/Environment/Natural Resources Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 120 (Committee Substitute No. 2), a bill to revise the window tinting laws.
Referred to **Transportation Committee.**

H.B. 231, a bill to request the Supreme Court to adopt a plan to administer justice without delay in North Carolina trial courts.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 280 (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen and to prohibit the discharge of pyrotechnics within one hundred feet of woodlands.
Referred to **Judiciary I/Constitution Committee.**

H.B. 594, a bill to prohibit discrimination in health and accident insurance against coverage for procedures involving certain bones or joints.
Referred to **Judiciary II/Election Laws Committee.**

H.B. 618 (Committee Substitute), a bill to increase the threshold at which Mecklenburg County and the municipalities within the County may use force account qualified labor.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 657 (Committee Substitute), a bill making sundry amendments concerning local governments in Chatham County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 661, a bill to change the method of filling a vacancy on the Halifax County Board of Education.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 663, a bill to establish a season for trapping foxes in Halifax County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 679, a bill amending the statutory definition of subdivision in Davie County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 697, a bill to allow Avery County to use its own crews and equipment to complete Phase II of its Community Recreation Facility.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 698, a bill relating to the daily deposit of collections and receipts by the City of Greensboro.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 762, a bill to remove the requirement that depositions recorded by sound–and–visual means must be transcribed and to provide that, instead of a transcription, the recording may be reviewed by the deponent and may be used as the court's copy of the deposition.

Referred to **Judiciary I/Constitution Committee.**

H.B. 812 (Committee Substitute No. 2), a bill to reenact with modifications, certain misdemeanors relating to fires.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 891 (Committee Substitute), a bill to allow State employees to make fair and reasonable personal use of State telecommunications equipment if such use does not result in cost to the State and does not reduce employee performance.

Referred to **Judiciary II/Election Laws Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 726, a bill to allow Wake County to acquire property for use by the County Board of Education, upon third reading.

The bill passes its third reading by roll–call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 433, a bill to authorize the City of Charlotte to submit proposals and receive contracts for construction and repair work not to exceed two hundred thousand dollars, with Amendment No. 1 pending.

With unanimous consent on motion of Senator Winner, the bill is removed from today's Calendar and recommitted to the **Local Government and Regional Affairs Committee**, with Amendment No. 1 pending.

COMMITTEE REFERRAL RECALL

S.B. 775, a bill to define clients eligible for "Willie M." services, to authorize the adoption of rules to determine eligibility, to ensure the provision of services, and to provide for contested case hearing provision, referred to the **Children and Human Resources Committee** on April 20.

Senator Allran offers a motion the bill be taken from the **Children and Human Resources Committee** and re–referred to the **Judiciary I/Constitution Committee**, which motion he consequently withdraws, pursuant to Rule 47(b).

Senator Lucas, as Chairman, subsequently offers a motion the bill be taken from the **Children and Human Resources Committee** and re–referred to the **Judiciary I/Constitution Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Children and Human Resources Committee** and refers the measure to the **Judiciary I/Constitution Committee.**

CALENDAR (Continued)

S.B. 577, a bill to amend the educational requirements for certified public accountants.

With unanimous consent, on motion of Senator Hoyle, the bill is taken up out of its regular order of business, and on his further motion, consideration of the bill is postponed until Wednesday, May 10.

S.B. 592, a bill to modify the provisions of the Charter of the City of Fayetteville concerning fair housing.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 677, a bill permitting the Board of Trustees of Southeastern Community College to grant security interests to federal agencies.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 709, a bill to validate certain actions of Columbus County Water and Sewer District I.

With unanimous consent, Senator Hobbs is excused from voting due to a possible conflict of interest.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 300 (Committee Substitute), a bill to authorize the Department of Commerce to pledge block grant funds as loan guarantees pursuant to the Housing and Community Development Act, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: Senators Ballantine, McDaniel, and Simpson—3.

The Committee Substitute bill is ordered sent to the House of Representatives.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 210, a bill to implement recommendations of the North Carolina Sentencing and Policy Advisory Commission to provide for victim impact statements for

presentation to the court, to order restitution to victims where appropriate, to make restitution a first priority, and to extend probation for the payment of restitution, with a favorable report.

S.B. 459, a bill to amend the bail bond forfeiture procedure provided by Article 26 of Chapter 15A of the General Statutes, with a favorable report, as amended.

S.B. 505, a bill to clarify the grounds for removal of a member of a local board of health, with a favorable report, as amended.

CALENDAR (Continued)

S.B. 606, a bill to provide for the creation of facility authorities and to establish the Centennial Authority, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Clark, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Webster—45.

Voting in the negative: Senators Ballantine, Cochrane, Forrester, and Winner—4.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 477, a bill to enact the North Carolina Foreign-Money Claims Act, which Act establishes a standard for converting currency for monetary damages resulting from a foreign judicial proceeding or arbitration.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

Senator Kerr offers Amendment No. 2.

Senator Rand rises to a point of parliamentary inquiry as to a perfecting amendment offered following the adoption of an amendment.

The Chair rules a perfecting amendment in order upon third reading.

On motion of Senator Kerr, further consideration of the bill, as amended, with Amendment No. 2 pending, is postponed until Wednesday, May 3.

S.B. 624 (Committee Substitute), a bill to provide for a binding referendum on the establishment of a North Carolina State Lottery Commission.

Senator Perdue, Co-Chairman of the **Appropriations Committee**, rises pursuant to Rule 41.1 with the agreement of Senator Edwards, Chairman of the **Ways and Means Committee**, and requests the measure be removed from today's Calendar and re-referred to the **Ways and Means Committee**.

Pursuant to Rule 41.1, the Chair refers the Committee Substitute bill to the **Ways and Means Committee**.

S.B. 668, a bill to remove the sunset from the statute permitting private contract participation by the Department of Transportation.

On motion of Senator Speed, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (49–0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 679, a bill to validate certain actions of water and sewer districts.

With unanimous consent, Senator Hobbs is excused from voting due to a possible conflict of interest.

The bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives.

H.B. 405 (Committee Substitute), a bill to authorize the Wildlife Resources Commission to regulate the manner of taking wildlife not classified as game animals.

The Committee Substitute bill passes its second (47–1) and third readings and is ordered enrolled.

H.B. 554, a bill to provide for flags to signal the presence of skiers and other persons in the water.

With unanimous consent, on motion of Senator Odom, consideration of the bill is postponed until Thursday, May 4.

S.B. 140 (Committee Substitute), a bill to clarify the purpose for a moment of silence in the public schools and to prohibit local boards of education from adopting policies that deny certain First Amendment rights, upon third reading.

The Committee Substitute bill passes its third reading (47–0), and is ordered sent to the House of Representatives.

S.B. 838, a bill to exempt the Young Men's Christian Association and the Young Women's Christian Association from the licensure requirements of the North Carolina Charitable Solicitations Act, upon third reading.

Senator Winner offers Amendment No. 1.

With unanimous consent, on motion of Senator Odom, further consideration of the bill, with Amendment No. 1 pending, is postponed until tomorrow, Wednesday, May 3.

APPOINTMENTS BY THE GOVERNOR

The President of the Senate directs the Reading Clerk to read, as follows:

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27603–8001

May 1, 1995

The Honorable Dennis Wicker
President of the Senate
2104 Legislative Building
Raleigh, NC 27601

Dear Mr. President:

Pursuant to General Statute 106–2, I hereby appoint the following members of the North Carolina State Board of Agriculture and submit their names for the

advice and consent of the North Carolina Senate. They will serve terms to begin May 1, 1995 and to expire May 1, 2001.

C. Osmond Kearney, Greene County
Sam McLawhorn, Pitt County
Richard W. Vaughan, Northampton County

Biographical information on each of them is enclosed. Please feel free to call on them or my staff if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
Governor

Referred to **Agriculture/Environment/Natural Resources Committee.**

COMMERCE COMMITTEE
SUBCOMMITTEE APPOINTMENT

S.B. 758

Senator Parnell, Chairman of the **Commerce Committee**, announces Senator Cochrane (Chairman), Senator Ballance, Senator Ballantine, Senator Conder, Senator Edwards, Senator Foxx, and Senator R. L. Martin, a subcommittee to study **S.B. 758**, a bill to prohibit discrimination in prescription drug pricing, to prohibit cost shifting by manufacturers and sellers of pharmaceutical drugs, and to provide consumers the freedom of choosing the pharmacy at which to redeem a prescription drug benefit.

On motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns at 4:21 P.M. to meet tomorrow, Wednesday, May 3, at 2:00 P.M.

FIFTY–SEVENTH DAY

SENATE CHAMBER,
Wednesday, May 3, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, in the living of each day, in each important decision we must make, help us to be true not only to our own accepted standards but also to the higher calling of Your standards;

"Forgive us when we choose the better rather than the best;

"Encourage us to apply the same standard of conduct to ourselves that we demand of others;

"Forgive us our complacence towards wrongs that do not touch our own lives and our over–sensitiveness to those that do;

"Help us to realize that sometimes You call us to a small work and our brothers and sisters to greater ones;

"We make these requests, O Lord, so that at the end of each day, we shall rest in the assurance that we have been Your faithful servants. In the Name of Almighty God, our Strength and Redeemer, we pray. Amen."

With unanimous consent the President grants a leave of absence for today to Senator Smith due to hospitalization; to Senator Soles due to hospitalization; and to Senator Forrester.

Senator Conder announces the Journal of yesterday, Tuesday, May 2, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. David Gremillion of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 405 (Committee Substitute), an act to authorize the Wildlife Resources Commission to regulate the manner of taking wildlife not classified as game animals. (Ch. 64)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee:**

S.B. 458, a bill to annex certain described territory to the City of Greenville, with a favorable report, and ordered sequentially referred to the **Finance Committee** on March 22.

With unanimous consent, the rules are suspended, and the Chair orders the measure placed on the Calendar for Thursday, May 4, upon second reading.

S.B. 471, a bill to provide that the Buncombe County Board of Education shall be elected on a nonpartisan plurality basis on the date of the general election, with a favorable report.

S.B. 476, a bill to change the manner of election of the Ashe County Board of Education from nonpartisan election at the time of the primary to nonpartisan election at the time of the general election, with a favorable report.

S.B. 542, a bill to provide for the nonpartisan election of the Catawba County Board of Education by plurality vote at the time of the County general election, with a favorable report.

S.B. 546, a bill to allow cities to provide for a nonbinding presidential primary at the time of the municipal election so as to focus national attention and at least a part of the presidential debate on urban issues, with a favorable report.

S.B. 557, a bill to authorize the City of Wilmington to enter into annexation and payment in lieu of tax agreements with the owners of certain classes of properties, with a favorable report.

H.B. 178, a bill to provide that Scotland County and the cities located in that County may require issuance of a building permit for the replacement and disposal of roofing, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

H.B. 572, a bill changing the method of election of the Laurinburg City Council, with a favorable report.

H.B. 591, a bill to change the manner of election of the Stokes County Board of Education to nonpartisan election at the time of the general election, and to provide that each election, two persons shall be elected for four–year terms and one person shall be elected to a two–year term, with a favorable report.

H.B. 595, a bill to provide for the nonpartisan election of the Craven County Board of Education, with a favorable report.

H.B. 598, a bill to revise Pender County Commissioner Districts, with a favorable report.

H.B. 609, a bill to allow an exemption of Tyrrell County from the minimum number of hours its board of elections office must be open, with a favorable report.

H.B. 611, a bill to exempt the Town of Southern Shores from certain statutory requirements in the building of a training center facility, with a favorable report.

H.B. 628 (Committee Substitute), a bill to change the time of election of the Avery County Board of Education from November to May, and to provide that that Board shall take office in July of the year of their election, with a favorable report.

H.B. 680 (Committee Substitute), a bill to incorporate the Town of Mulberry–Fairplains, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

S.B. 563, a bill to annex certain described property into the corporate limits of the Town of Cornelius, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Jordan, the proposed Committee Substitute bill 3630, which changes the title to read **S.B. 563** (Committee Substitute), a bill to annex

certain described property into the corporate limits of the Town of Cornelius and to clarify the zoning jurisdiction of the Town of Huntersville, is placed before the Senate for immediate consideration.

On motion of Senator Jordan, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee.**

By Senator Conder for the **Pensions and Retirement/Insurance/State Personnel Committee:**

S.B. 219, a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

S.B. 255, a bill to amend the law relating to Mount Airy's Firefighters' Supplementary Fund, with a favorable report.

S.B. 428, a bill to amend the law regarding the Supplemental Welfare Fund for firemen in Forsyth County, with a favorable report.

S.B. 499, a bill to allow the payment of additional benefits to Rescue and Emergency Medical Services workers, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

S.B. 710, a bill to increase the North Carolina Self–Insurance Guaranty Fund and to allow a credit against the gross premiums tax for assessments paid by self–insurers to the Guaranty Fund, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to **Finance Committee.**

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 530, a bill to provide that the county publish a notice of a road closure hearing rather than publishing the full road closure resolution as currently required by law, with a favorable report.

S.B. 554, a bill to authorize the purchase of goods and services for persons with disabilities under procedures that allow flexibility to meet individual needs, with a favorable report.

S.B. 682, a bill to provide for the appointment of standby guardians, with a favorable report.

S.B. 81, a bill to enact the revised Article 3 of the Uniform Commercial Code and conforming and miscellaneous amendments to Articles 1 and 4 of the Uniform Commercial Code, as recommended by the General Statutes Commission, with a favorable report, as amended.

S.B. 447, a bill to prohibit boards of county commissioners and city councils from appointing their own members to public office except where a statute requires a member of that board to serve, with a favorable report, as amended.

S.B. 177, a bill to provide for the seizure of a motor vehicle used by a person driving with a permanently revoked drivers license, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 4615, which changes the title to read **S.B. 177** (Committee Substitute), a bill to provide for the seizure of a motor vehicle used by a person driving with a permanently revoked drivers license, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Thursday, May 4, for further consideration.

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 51, a bill to require a one–year suspension for any student who brings a gun onto school property and to allow for expelling students whose continued presence in school constitutes a clear threat to the safety and health of other students or employees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 8628, which changes the title to read **S.B. 51** (Committee Substitute), a bill to require a one–year suspension for any student who brings certain weapons onto school property and to allow the superintendent to modify the suspension for children with special needs or by providing an alternative school setting, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 4, for further consideration.

S.B. 57, a bill to implement the recommendations of the Legislative Research Commission Committee on Alcoholic Beverage Control, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 6621, which changes the title to read **S.B. 57** (Committee Substitute), a bill to implement the recommendations of the Legislative Research Commission's Committee on Alcoholic Beverage Control and to make other changes in the ABC laws, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 4, for further consideration.

S.B. 558, a bill to provide for expedited eviction of persons engaged in drug–related criminal activity and other criminal activity that threatens the health, safety, or peaceful enjoyment of rental property, with a favorable report.

S.B. 564, a bill to change the manner in which an execution date is reset for a person who has been sentenced to death and whose sentence has been affirmed and any stay of execution has expired, with a favorable report.

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 369, a bill to implement the recommendation of the Commission on Children with Special Needs to direct the State Board of Education to adopt guidelines to establish resource teams in each school, and to direct the State Board of Education to review and revise certain rules governing programs and services for children with special needs so that measurable, high expectations are established for these children and their programs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lucas, the rules are suspended, and the proposed Committee Substitute bill 6615 is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Thursday, May 4, for further consideration.

S.B. 506, a bill to make clarifying, technical changes to various public health laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lucas, the rules are suspended, and the proposed Committee Substitute bill 7648, which changes the title to read **S.B. 506** (Committee Substitute), a bill to make clarifying, technical changes to various public health laws, and to establish a minimum burial depth for human interment, is placed before the Senate for immediate consideration.

On motion of Senator Lucas, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Thursday, May 4, for further consideration.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Odom and Plyler:

S.B. 970, a bill to provide funds for an aftercare program for DART participants as they reenter their communities.

Referred to **Appropriations Committee.**

By Senator Odom:

S.B. 971, a bill to amend the Constitution of North Carolina to provide for gubernatorial appointment of justices and judges of the General Court of Justice and retention by vote of the people.

Referred to **Judiciary I/Constitution Committee.**

By Senators Shaw and Plyler:

S.B. 972, a bill authorizing the Secretary of the Department of Revenue to appoint employees of the Department as controlled substances tax agents to enforce the excise tax on controlled substances and counterfeit drugs.

Referred to **Finance Committee.**

By Senator Kincaid:

S.B. 973, a bill to create the North Carolina workers' compensation loss costs rating law.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senators Albertson, Speed, Martin of Pitt, Hoyle, Dannelly, Gulley, Sherron, Rand, Cooper, Perdue, Warren, Odom, Jordan, Plexico, Ledbetter, and Blackmon:

S.B. 974, a bill to require a person who performs the land application of agriculture waste to be certified as a water pollution control systems operator.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Albertson, Warren, and Speed:

S.B. 975, a bill to authorize the deposit of tobacco assessment funds with the North Carolina Tobacco Foundation.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senator Albertson:

S.B. 976, a bill to increase the fee paid to agents of the Wildlife Resources Commission to issue certificates of boat number and to amend the duties of the Wildlife Resources Commission with regard to the appointment of agents for the issuance of boat numbers.

Referred to **Finance Committee.**

By Senators Hartsell, Shaw, and Plexico:

S.B. 977, a bill to establish the Prepaid Postsecondary Education Expense Program, the Prepaid Postsecondary Education Expense Trust Fund, the North Carolina Prepaid Postsecondary Education Expense Board, and the North Carolina Prepaid Tuition Scholarship Program.

Referred to **Education/Higher Education Committee.**

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 423, a bill to establish a State Vocational Rehabilitation/Independent Living Program for People With Disabilities, with a favorable report.

S.B. 595, a bill to establish certification for persons performing lead abatement, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 780, a bill to amend the law regarding license renewal for nursing homes, with a favorable report.

S.B. 651, a bill to require the permanent identification of a dead body, with a favorable report, as amended.

S.B. 706, a bill to authorize Cabarrus County to establish an Aid to Families with Dependent Children (AFDC) and Food Stamp Workfare Pilot Program and an Adjunct Demonstration Program modifying the JOBS program, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendments No. 1 and No. 2 are adopted.

The Chair orders the bill, as amended, engrossed and re–referred to the **Appropriations Committee**.

S.B. 334, a bill to make clarifying changes to the Long–Term Care Ombudsman Program law, the Nursing Home Community Advisory Committee law, and the Adult Care Home Community Advisory Committee law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lucas, the rules are suspended, and the proposed Committee Substitute bill 1682, which changes the title to read **S.B. 334** (Committee Substitute), a bill to make clarifying changes to the Long–Term Care Ombudsman Program law, the Nursing Home Community Advisory Committee law, and the Domiciliary Home Community Advisory Committee law, is placed before the Senate for immediate consideration.

On motion of Senator Lucas, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Thursday, May 4, for further consideration.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 339, a bill to grant added powers to the Stanly Airport Authority related to constructing an industrial park, upon second reading.

The bill passes its second reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Speed, Webster, and Winner—44.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Thursday, May 4, for further consideration upon third reading.

S.B. 524, a bill making sundry amendments concerning local governments in Orange County, upon second reading.

The bill passes its second reading by roll–call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Speed, Webster, and Winner—44.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Thursday, May 4, for further consideration upon third reading.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 160 (Committee Substitute No. 2), a bill to create a drug–free public housing zone by providing an enhanced penalty for drug offenses near public housing in the Cities of Asheville, East Spencer, Lumberton, New Bern, Raleigh, Salisbury, and Washington, and the Counties of Cumberland, Duplin, Graham, Haywood, Jackson, Madison, and Swain Counties.
Referred to **Judiciary II/Election Laws Committee.**

H.B. 192 (Committee Substitute), a bill to create the Joint Legislative Administrative Procedure Oversight Committee, to strengthen the authority of the Rules Review Commission, and to make proposed administrative rules effective at the end of the legislative session.
Referred to **Judiciary I/Constitution Committee.**

H.B. 578 (Committee Substitute), a bill making a qualified exception from the Public Records Act for the Salisbury Geographical Information System.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 729 (Committee Substitute), a bill to establish standards and procedures for the recovery of punitive damages in civil actions.
Referred to **Judiciary I/Constitution Committee.**

H.B. 877, a bill to abolish the end–of–course and end–of–grade tests and to direct the State Board of Education to recommend alternative methods of assessing student performance.
Referred to **Education/Higher Education Committee.**

H.B. 943 (Committee Substitute), a bill to provide that a former Governor of the State who has as a member of the University of North Carolina Board of Governors shall be a member emeritus of the Board of Governors and to prohibit the Board of Governors from electing a chairman between the time that the General Assembly elects members and those members take office.
Referred to **Rules and Operation of the Senate Committee.**

CALENDAR (Continued)

S.B. 166 (Committee Substitute), a bill to amend certain provisions of law that regulate attorneys–at–law.
On motion of Senator Kerr, Committee Amendment No. 1 is adopted.
The Committee Substitute bill, as amended, passes its second reading (40–5).
Senator Kerr objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 4, for further consideration upon third reading.

With unanimous consent, the President grants a leave of absence to Senator Perdue for the remainder of today's Session.

COMMITTEE REFERRAL RECALL

S.B. 646, a bill to establish a Workers' Compensation Fund for volunteer fire, rescue, and EMS workers, referred to the **Pensions and Retirement/Insurance/ State Personnel Committee** on April 11.

Pursuant to Rule 47(b), Senator Conder offers a motion the bill be taken from the **Pensions and Retirement/Insurance/State Personnel Committee** and re-referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Pensions and Retirement/Insurance/ State Personnel Committee** and refers the measure to the **Finance Committee.**

CALENDAR (Continued)

S.B. 180 (Committee Substitute), a bill to increase the minimum payment due to the Employment Security Commission from one dollar to five dollars, to authorize certain businesses to file annual reports with the Employment Security Commission rather than quarterly reports, and to authorize certain businesses that are allowed to file annual reports to file by telephone.

The Committee Substitute bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

S.B. 210, a bill to implement recommendations of the North Carolina Sentencing and Policy Advisory Commission to provide for victim impact statements for presentation to the court, to order restitution to victims where appropriate, to make restitution a first priority, and to extend probation for the payment of restitution.

With unanimous consent, on motion of Senator Ballance, consideration of the bill is postponed until Monday, May 8.

S.B. 459, a bill to amend the bail bond forfeiture procedure provided by Article 26 of Chapter 15A of the General Statutes.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46–0) and third readings and is ordered engrossed and sent to the House of Representatives.

WITHDRAWAL FROM CALENDAR

S.B. 369 (Committee Substitute), a bill to implement the recommendation of the Commission on Children with Special Needs to direct the State Board of Education to adopt guidelines to establish resource teams in each school, and to direct the State Board of Education to review and revise certain rules governing programs and services for children with special needs so that measurable, high expectations are established for these children and their programs, placed earlier today on the Calendar for Thursday, May 4.

Pursuant to the sequential referral announced March 14, the Chair orders the Committee Substitute bill taken from the Calendar for Thursday, May 4, and re-refers the measure to the **Appropriations Committee.**

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

S.B. 477, a bill to enact the North Carolina Foreign–Money Claims Act, which Act establishes a standard for converting currency for monetary damages resulting from a foreign judicial proceeding or arbitration, as amended, with Amendment No. 2 pending.

With unanimous consent, Senator Kerr withdraws Amendment No. 2.

Senator Kerr offers Amendment No. 3 which is adopted (46–0).

The bill, as amended, passes its second (46–0) and third (45–0) readings and is ordered engrossed and sent to the House of Representatives.

S.B. 505, a bill to clarify the grounds for removal of a member of a local board of health.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

Senator Ballance offers Amendment No. 2 which is adopted (46–0).

The bill, as amended, passes its second (45–0) and third (45–0) readings and is ordered engrossed and sent to the House of Representatives.

S.B. 693, a bill to make technical amendments to improve the administration of the property tax on motor vehicles.

The bill passes its second (43–3) and third readings and is ordered sent to the House of Representatives.

S.B. 764, a bill to make adjustments in the Deer Management Assistance Program of the Wildlife Resources Commission.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives.

S.B. 838, a bill to exempt the Young Men's Christian Association and the Young Women's Christian Association from the licensure requirements of the North Carolina Charitable Solicitations Act, with Amendment No. 1 pending, upon third reading.

With unanimous consent, Senator Winner withdraws Amendment No. 1.

Senator McDaniel offers Amendment No. 2 which fails of adoption (12–33).

The bill passes its third reading (36–9) and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 154 (Committee Substitute), a bill to increase the minimum property damage amount for a reportable motor vehicle accident and to resolve inconsistencies in the law concerning accident reports, as written by the **Judiciary I/ Constitution Committee**, with a favorable report.

S.B. 649, a bill to authorize sweet potato assessments to be paid by producers of sweet potatoes, with a favorable report.

S.B. 664, a bill to revise and consolidate the Charter of the Town of Plymouth, with a favorable report.

H.B. 214, a bill to revise and consolidate the Charter of the Town of Tarboro, with a favorable report.

S.B. 631, a bill to allow taxpayers to contribute to the Highway Wildflower Fund when they file their State income tax returns, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill 9621, which changes the title to read **S.B. 631** (Committee Substitute), a bill to allow individuals to contribute income tax refunds to the Highway Wildflower Fund, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Committee Substitute bill is adopted, and on his further motion the Committee Substitute bill is placed on the Calendar for Thursday, May 4, for further consideration.

With unanimous consent, upon motion of Senator Rand, Rule 40.1(b) is suspended to the end Senator McDaniel is permitted to file a bill, draft 5632, after 3:00 P.M. today as the draft was timely submitted to the Bill Drafting Division.

On motion of Senator Rand, seconded by Senator Sherron, the Senate adjourns at 3:48 P.M. to meet tomorrow, Thursday, May 4, at 3:00 P.M.

FIFTY-EIGHTH DAY

SENATE CHAMBER,
Thursday, May 4, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer, with a quote by J. Sidlow Baxter, is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, through the Prophet Jeremiah we hear Your Words to us—'Then you will call upon me and pray to me and I will listen to you. You will seek Me and find Me when you seek Me with all your heart.'

"Today, O Lord, we join together on this National Day of Prayer with millions of Americans from all faiths in a time of concerted intercession on behalf of our country and her people. We seek Your Mercy, Your Forgiveness, and Your Leadership.

"Remind us that 'others may spurn our appeals, reject our message, oppose our arguments, even despise our person, but they are helpless against our prayers.'

"We are seeking Your Face, O God. Hear us and respond. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization; to Senator Soles due to hospitalization; to Senator Perdue due to attendance at Base Realignment Closure Hearing for Cherry Point Air Station; and to Senator Sawyer to due illness.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, May 3, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Steve Nickisch of Asheville, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills and a resolution are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 871, a bill to provide for the appointment and assignment of emergency recall judges of the Court of Appeals, with a favorable report.

S.B. 865, a bill to amend the State laws regarding the purchase of a handgun to conform to the requirements of the "Brady Handgun Violence Prevention Act," with a favorable report.

S.B. 567, a bill to make domestic violence a presumptive factor in custody determination matters, with a favorable report.

S.B. 772, a bill to remove the sunset from the Office of Administrative Hearings Mediation Program, with a favorable report.

S.B. 916, a bill to provide for prelitigation mediation of farm disputes regarding nuisance claims, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 552, a bill to clarify the law regarding public hospital contracting, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 449, a bill relating to practice restrictions imposed on health care workers who are infected with HIV or Hepatitis B, with a favorable report.

S.B. 234, a bill to raise the age of undisciplined juveniles who are beyond the disciplinary control of their parents, with a favorable report, as amended.

With unanimous consent, Senator Cooper withdraws the bill from the Committee Report and the measure is returned to the **Judiciary I/Constitution Committee**.

S.B. 26, a bill to enable local boards of education to expel from school those students whose continued presence in school constitutes a clear threat to the safety and health of other students or employees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 8633 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Monday, May 8, for further consideration.

S.B. 127, a bill to impose criminal penalties for the abuse, neglect, or exploitation of disabled or elder adults living in a domestic setting, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 9624 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Monday, May 8, for further consideration.

S.B. 362, a bill relating to appointments to the Sheriffs' Education and Training Standards Commission, amending the laws relating to the powers of and appeals before the Sheriffs' Education and Training Standards Commission, and otherwise pertaining to Chapter 17E of the General Statutes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 8632 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Monday, May 8, for further consideration.

S.B. 559, a bill to increase the penalties for a drug offense that occurs in a drug–free public housing zone, to provide that acceptance of rent by a housing authority is not a waiver of default, and to authorize housing authorities to govern entry upon housing authority property by guests and visitors, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 3650, which changes the title to read **S.B. 559** (Committee Substitute), a bill to increase the penalties for a drug offense that occurs in a drug–free public housing zone, to provide that acceptance of rent by a housing authority is not a waiver of default, to authorize housing authorities to govern entry upon housing authority property by guests and visitors, and to make it a crime to trespass on public housing authority property, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 8, for further consideration.

S.B. 737, a bill to require that counties pay their local share of public assistance program benefits by electronic funds transfer, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 9623 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Jordan for the **Local Government and Regional Affairs Committee:**

H.B. 657 (Committee Substitute), a bill making sundry amendments concerning local governments in Chatham County, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Jordan, the rules are suspended, and the proposed Senate Committee Substitute bill 6154 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Hobbs, the Senate Committee Substitute bill is placed at the end of today's Calendar immediately following **S.B. 166**, for further consideration upon its passage.

H.B. 543 (Committee Substitute), a bill making a qualified exception from the Public Records Act for the Dare County Geographical Information System, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Jordan, the rules are suspended, and the proposed Senate Committee Substitute bill 6155, which changes the title, upon concurrence, to read **H.B. 543** (Senate Committee Substitute), a bill making a qualified exception from the Public Records Act for the Dare County and Pamlico County Geographical Information Systems, is placed before the Senate for immediate consideration.

On motion of Senator Jordan, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, May 8, for further consideration.

By Senator Parnell for the **Commerce Committee:**

S.B. 884, a bill to allow the preparation of fire sprinkler planning and design drawings by a licensed fire sprinkler contractor under the Engineering and Land Surveying Act, with a favorable report.

H.B. 456 (Committee Substitute), a bill to create the North Carolina Progress Board, with a favorable report.

S.B. 612, a bill to provide that the time for compliance for sprinkler systems shall be twelve years rather than five years, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 4618, which changes the title to read **S.B. 612**

(Committee Substitute), a bill to require the Building Code Council to adopt alternative safety systems for buildings built prior to 1953, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 8, for further consideration.

By Senator Speed for the **Transportation Committee**:

S.B. 752, a bill to clarify the authority of counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district and to allow under certain circumstances the maintenance of public roads lying outside the district, with a favorable report.

S.B. 833, a bill to require that vehicles making frequent stops on highways be equipped with flashing amber lights, with a favorable report.

S.B. 839, a bill to provide for graduated motor vehicles drivers licenses as recommended by the North Carolina Child Fatality Task Force, with a favorable report.

H.B. 108 (Committee Substitute), a bill to provide specialized registration plates for retired clerks of Superior Court, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee**.

H.B. 213 (Committee Substitute), a bill concerning the collection of delinquent truck penalties and assessed taxes and the consolidation of the various provisions concerning overweight vehicles, with a favorable report.

On motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, May 9, for further consideration.

S.B. 919, a bill to permit a motor vehicle dealer to name a successor to the franchise and to require that objections to this appointment be raised at the time the appointment is made, with a favorable report, as amended.

H.B. 632, a bill to provide that the laws relating to motor vehicles apply within the Carolina Trace Community in Lee County, with a favorable report, as amended.

S.B. 503, a bill to allow the Division of Motor Vehicles to issue restricted commercial drivers licenses to seasonal drivers for certain farm–related services industries, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, and the proposed Committee Substitute bill 5629 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Speed, the Committee Substitute bill is placed on the Calendar for Monday, May 8, for further consideration.

H.B. 750 (Committee Substitute), a bill to allow the use of State trucks and vans for the State Games of North Carolina, with a favorable report, as amended.

By Senator Conder for the **Pensions and Retirement/Insurance/State Personnel Committee**:

S.B. 301, a bill relating to managed care operations, with a favorable report.

S.B. 341, a bill to bring the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Local Governmental Employees' Retirement System, and the Legislative Retirement System into compliance with the Internal Revenue Code and to bring the Supplemental Retirement Income Plans for State and Local Law Enforcement Officers into compliance with the Uniformed Services Employment and Reemployment Rights Act, with a favorable report.

S.B. 130, a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Workers' Pension Fund and the monthly member contribution and to declare the intent of the legislature to provide cost–of–living increases, as funds are available, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Conder, the rules are suspended, and the proposed Committee Substitute bill 7668, which changes the title to read **S.B. 130** (Committee Substitute), a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Workers' Pension Fund and the monthly member contribution and to declare the intent of the legislature to provide cost–of–living increases, as funds are available, and to update the reference to the North Carolina Association of Rescue and Emergency Medical Services, Inc., is placed before the Senate for immediate consideration.

On motion of Senator Conder, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 8, for further consideration.

S.B. 290, a bill to enhance the retirement benefits payable from the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Legislative Retirement System, and the Local Governmental Employees' Retirement System, and to provide for the funding of the benefits and for the funding of the Disability Income Plan for teachers and State employees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Conder, the proposed Committee Substitute bill 2637, which changes the title to read **S.B. 290** (Committee Substitute), a bill to enhance the retirement benefits payable from the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Legislative Retirement System, and the Local Governmental Employees' Retirement System, and to provide for the funding of the benefits and for the funding of the Disability Income Plan for teachers and State employees, and to change the insurance benefits for State and local governmental law enforcement officers, is placed before the Senate for immediate consideration.

On motion of Senator Conder, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

S.B. 591, a bill to provide that insurance agents and brokers who have been licensed for three years or more must comply with continuing education requirements every two years rather than once a year, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Conder, the rules are suspended, and the proposed Committee Substitute bill 8631, which changes the title to read **S.B. 591** (Committee Substitute), a bill to establish a license for customer service representatives, to establish a temporary license, and to make conforming changes to the law that governs the licensing and continuing education requirements of insurance agents and brokers, is placed before the Senate for immediate consideration.

On motion of Senator Conder, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 8, for further consideration.

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 653, a bill to make technical and other changes to the Medical Practice Act, with a favorable report.

S.B. 807, a bill authorizing counties to participate in local vocational training and employment opportunity initiatives through the creation of regional vocational services authorities, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 846, a bill to establish an advance instruction for mental health treatment, with a favorable report.

S.B. 864, a bill to require adult care homes to submit annual audited reports of actual costs and to require the Department of Human Resources to adopt rules to ensure quality of care in adult care homes, with a favorable report.

S.B. 890, a bill to amend the definition of cardiac rehabilitation program and to make conforming changes to the law governing cardiac rehabilitation programs, with a favorable report.

H.B. 204 (Committee Substitute), a bill to ensure representation of both for-profit and nonprofit institutions on the State Board of Examiners for Nursing Home Administrators, with a favorable report.

S.B. 742, a bill to authorize the Secretary of the Department of Human Resources to investigate the deaths of certain Thomas S. class members, with a favorable report, as amended.

S.B. 728, a bill to replace the substance abuse program within the Department of Correction with the Division of Alcoholism and Chemical Dependency Programs, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the bill, as amended, engrossed and re-referred to the **Appropriations Committee.**

By Senator Winner for the **Education/Higher Education Committee:**

S.B. 756, a bill permitting local boards of education to remove or refuse admission to certain older students and pay those students' costs of attending community college, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 fails of adoption (18–27).

With unanimous consent, on motion of Senator Winner, the bill is recommitted to the **Education/Higher Education Committee.**

S.B. 452, a bill to require that former legislators wait two years before serving on the Board of Governors of the University of North Carolina, with a favorable report.

S.J.R. 539, a joint resolution providing for confirmation of the appointments of Kathy A. Taft and Jane Norwood to membership on the State Board of Education, with a favorable report, as amended.

Committee Amendment No. 1 is placed before the Senate for adoption.

On motion of Senator Winner, the Chair orders the joint resolution, with Committee Amendment No. 1 pending, recommitted to the **Education/Higher Education Committee.**

By Senator Kerr for the **Finance Committee:**

S.B. 159 (Committee Substitute), a bill to rewrite Chapter 48 of the General Statutes relating to adoption as recommended by the General Statutes Commission, as written by the **Judiciary I/Constitution Committee**, with a favorable report.

S.B. 270, a bill to authorize the City of Shelby to levy a room occupancy and tourism development tax, with a favorable report.

S.B. 364, a bill to authorize Columbus County to levy a room occupancy and tourism development tax, with a favorable report.

S.B. 491, a bill to authorize the Town of Highlands to levy a room occupancy and tourism development tax, with a favorable report.

S.B. 536, a bill to authorize the City of Mount Airy to levy a room occupancy and tourism development tax, with a favorable report.

S.B. 556, a bill to specify how the proceeds of the Burke occupancy tax shall be divided between the two purposes for which they may be used, with a favorable report.

S.B. 293, a bill to permit the importation and bottling of spirituous liquor within foreign trade zones located at the Wilmington and Morehead City Ports, with a favorable report, as amended.

S.B. 681, a bill to modify the purposes for which Greensboro may use the proceeds of its local occupancy tax, with a favorable report, as amended.

By Senator Plexico for the **Education/Higher Education Committee**:

S.B. 918, a bill to permit the State Board of Education to authorize the emergency closing of individual schools, with a favorable report.

S.B. 922, a bill to provide additional educational and career opportunities for teacher assistants, with a favorable report, as amended.

S.B. 858, a bill to clarify the law regarding contracts for school administrators, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plexico, the rules are suspended, and the proposed Committee Substitute bill 1706 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Plexico, the Committee Substitute bill is placed on the Calendar for Monday, May 8, for further consideration.

CONFERENCE REPORT

H.B. 7 (Senate Committee Substitute)

Senator Plexico, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H.B. 7** (Committee Substitute), a bill to restore constitutional powers to the State Board of Education and to make conforming and technical changes, which Senate Committee Substitute bill proposes to change the title, upon concurrence, to read **H.B. 7** (Senate Committee Substitute), a bill to clarify the Statutes so as to streamline the operations of the State education agency, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 7, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUTES SO AS TO STREAMLINE THE OPERATIONS OF THE STATE EDUCATION AGENCY, Senate Education/Higher Education Committee Substitute Adopted 4/17/95, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate Education/Higher Education Committee Substitute Adopted 4/17/95, and the House concurs in the Senate Committee Substitute as amended:

on page 1, lines 5–16, by deleting the lines, and by renumbering the remaining sections;

on page 2, line 1, by adding before the word "Subject", the following new sentence:

"As secretary and chief administrative officer of the State Board of Education, the Superintendent manages on a day–to–day basis the administration of the free

public school system, subject to the direction, control, and approval of the State Board.";

and on page 4, line 27, by deleting the word "May" and by substituting the word "June".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: May 4, 1995.

S/Beverly M. Perdue	S/Carolyn B. Russell
S/Teena S. Little	S/Anne C. Barnes
S/J. Clark Plexico	S/Rick L. Eddins
S/Leslie Winner	S/Steve Wood
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Plexico, the Conference Report is adopted (42–0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Sherron:

S.B. 978, a bill to amend the self–referrals by health care providers statutes to permit limited investment in public corporations and certain private corporations.

Referred to **Judiciary II/Election Laws Committee**.

By Senators Lucas, Forrester, Dannelly, Little, and Carpenter:

S.B. 979, a bill to appropriate funds to increase the per pupil allocation for all exceptional children.

Referred to **Appropriations Committee**.

By Senators Plexico and Sherron:

S.B. 980, a bill to exempt nonprofit continuing care facilities from property taxes.

Referred to **Finance Committee**.

By Senators Ballantine, McDaniel, and Carpenter:

S.B. 981, a bill to amend the qualified investment tax credit to provide an incentive for investment in small North Carolina film production businesses.

Referred to **Finance Committee**.

By Senator Plexico:

S.B. 982, a bill to establish the Campaign Reform and Election Laws Review Commission.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re–referred to the **Appropriations Committee**.

By Senator Plexico:

S.B. 983, a bill to provide that seat belts will be inspected as part of the annual motor vehicle safety inspection.

Referred to **Transportation Committee.**

By Senators Rand, Edwards, Parnell, Soles, Plyler, Conder, and Hobbs:

S.B. 984, a bill to appropriate funds to complete the transmission tower for the University of North Carolina Center for Public Television's transmitter to serve Southeastern North Carolina.

Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 985, a bill to amend the procedure for imposing a sentence for a capital offense.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Rand:

S.B. 986, a bill to appropriate funds for a public purpose.

Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 987, a bill to create the felony offense of continuing criminal enterprise with regard to criminal offenses that are not drug offenses, to create the felony status offense of habitual thief, and to provide that failure of an itinerant merchant to keep a receipt or invoice with certain information indicating the source of the merchant's products and to show the receipt or invoice to a law enforcement officer upon request is prima facie evidence that the products are stolen.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Rand:

S.B. 988, a bill to provide relief from the weight limitations for recovered materials haulers.

Referred to **Transportation Committee.**

By Senator Rand:

S.B. 989, a bill to appropriate funds to the Department of Cultural Resources for the acquisition of property and repairs and renovations to State-maintained structures.

Referred to **Appropriations Committee.**

By Senator Rand:

S.B. 990, a bill to provide for more effective administrative permit review under the Coastal Area Management Act.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Rand and Perdue:

S.B. 991, a bill to establish the wetlands restoration, enhancement, and protection program, to establish a wetlands mitigation bank, and to provide that a mitigation fee may be paid into the wetlands mitigation bank in lieu of other mitigation measures.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Rand, Perdue, Plyler, and Hobbs:

S.B. 992, a bill amending the definition of law enforcement officer for the purposes of eligibility for benefits under the North Carolina Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System of North Carolina.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senator Cooper:

S.B. 993, a bill to require that juveniles be fingerprinted and photographed upon adjudication of delinquency for an offense that would be a Class A, B, C, D, or E felony if committed by an adult, to open juvenile records in certain circumstances, to allow publication of the names and pictures of certain juveniles, and to clarify that nontestimonial identification procedures set forth in the Juvenile Code do not apply to criminal defendants who are sixteen and seventeen years of age.

Referred to **Judiciary I/Constitution Committee.**

By Senators Cooper and Kerr:

S.B. 994, a bill to provide that annual reports of business corporations and limited liability companies shall be filed with the Department of Revenue rather than the Secretary of State, to establish fees for expedited filings, to provide that nonprofit corporations are not required to file annual reports, to allow the Secretary of State to retain filed documents in reproduced form, to extend the deadline to allow the reinstatement of dissolved corporations, and to prevent the use of duplicate corporate names.

Referred to **Finance Committee.**

By Senators Speed, Sherron, Soles, Allran, Hartsell, Warren, Albertson, Carpenter, Forrester, and Carrington:

S.B. 995, a bill to appropriate funds for the Division of State Parks and Recreation Environmental Education Program.

Referred to **Appropriations Committee.**

By Senators Kerr, Hoyle, and Carpenter:

S.J.R. 996, a joint resolution authorizing the Legislative Research Commission to study workers' compensation.

Referred to **Appropriations Committee.**

By Senator Hoyle:

S.B. 997, a bill to phase out the property tax on motor vehicles held for rent or lease by classifying this property as inventory, and to reimburse local governmental units for the resulting loss in revenue.

Referred to **Finance Committee.**

By Senators Hoyle, Ballantine, Sherron, and Conder:

S.B. 998, a bill regulating the practice of bodywork therapies.

Pursuant to G.S. 120–149 an assessment report is required.

Referred to **Children and Human Resources Committee** and upon a favorable report, re–referred to the **Finance Committee.**

By Senators Foxx, Rand, Warren, Hartsell, Carpenter, Simpson, McDaniel, Little, East, Davis, Webster, and Plexico:

S.B. 999, a bill to increase the cost limit on work that can be performed by governmental force account labor.

Referred to **Commerce Committee.**

By Senators Allran, East, Davis, Webster, Carpenter, Little, Forrester, Cochrane, Kincaid, McDaniel, Simpson, Foxx, Carrington, Ballantine, Blackmon, and Shaw:

S.B. 1000, a bill to place a limit on the level of health care provided to inmates by the Department of Correction.

Referred to **Children and Human Resources Committee.**

By Senator Perdue:

S.B. 1001, a bill to clarify the applicability of the Beach Access Program to projects designed to provide access to coastal waters.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Hobbs, Conder, and Plyler:

S.B. 1002, a bill to authorize the creation of the Sandhills Regional Economic Development Commission.

Referred to **Commerce Committee.**

By Senators Webster, Kerr, Albertson, Martin of Pitt, Cooper, Carrington, Davis, Hartsell, Kincaid, Simpson, East, Forrester, McDaniel, Foxx, Ballantine, Ballance, Page, Shaw, Sherron, and Horton:

S.B. 1003, a bill to exempt individual retirement accounts, individual retirement annuities, and simplified employees pension/individual retirement accounts from the claims of creditors.

Referred to **Judiciary I/Constitution Committee.**

By Senators Martin of Guilford and McKoy:

S.B. 1004, a bill to establish the Legislative Study Commission on the Education Instruction Practice of Ability Grouping and Tracking of Students and to appropriate funds for its implementation.

Referred to **Appropriations Committee.**

By Senator Foxx:

S.B. 1005, a bill to direct Appalachian State University to provide for the sale of New River Light and Power Company.

Referred to **Appropriations Committee.**

By Senator McKoy:

S.B. 1006, a bill to appropriate funds for the successful life skills program of Saint Augustine's College.

Referred to **Appropriations Committee.**

By Senator McKoy:

S.B. 1007, a bill to appropriate funds for the math skills development program of Shaw University.

Referred to **Appropriations Committee.**

By Senator McKoy:

S.B. 1008, a bill to appropriate funds to the Department of Human Resources for comprehensive community–based strategies for addressing youth and young adults.

Referred to **Appropriations Committee**.

By Senators McDaniel and Page:

S.B. 1009, a bill to amend the rule of evidence regarding the admissibility in a criminal case of certain expert testimony as to the mental state or condition of a defendant.

Referred to **Judiciary I/Constitution Committee**.

By Senators McDaniel, Horton, Cochrane, Carrington, Kincaid, Gulley, Foxx, Blackmon, Simpson, Winner, Lucas, and Carpenter:

S.B. 1010, a bill to provide that the facilities and equipment of the North Carolina School of the Arts may be leased to a private entity at a fair market rate and the lease revenue deposited into the Endowment Fund for the School of the Arts.

Referred to **Appropriations Committee**.

By Senators McDaniel, Kincaid, Page, Winner, Carpenter, Martin of Guilford, Hobbs, Ledbetter, McKoy, Warren, Albertson, Clark, Foxx, Carrington, Lucas, Ballantine, Jordan, Conder, Plexico, Sherron, and Davis:

S.B. 1011, a bill providing early retirement options to State employees subject to the State Personnel Act who are separated from employment due to reductions in force and otherwise relating to the rights and benefits of employees separated from State employment due to reductions in force.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee**.

By Senators Kerr, Blackmon, Parnell, East, Hartsell, and Forrester:

S.B. 1012, a bill to improve the regulation of petroleum underground storage tanks and the cleanup of leaking petroleum underground storage tanks.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re–referred to the **Finance Committee**.

Senator Rand offers a motion to suspend Rule 7 to the end the introduction of remaining bills, petitions, and resolutions, and messages from the House of Representatives, except **S.B. 264**, a bill to revive the Charter of the Town of Bethania, be placed as the last order of business today, which motion prevails.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting a bill for concurrence which is read and disposed of, as follows:

S.B. 264, a bill to revive the Charter of the Town of Bethania, for concurrence in House Amendment No. 1.

The Chair holds Amendment No. 1 to be material and announces receipt of the message from the House of Representatives constitutes first reading, and further orders the measure placed on the Calendar for Monday, May 8, for concurrence, upon second reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee:**

S.B. 857, a bill to increase nonresident hunting license fees and to provide for the hunting of wild boar by nonresidents possessing nonresident bear hunting licenses, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the bill, as amended, engrossed and re-referred to the **Finance Committee.**

S.B. 643, a bill to provide for prior notice of sewer system moratoria to the affected unit of government and to the public, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Committee Substitute bill 6620 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Albertson, the Committee Substitute bill is placed on the Calendar for Monday, May 8, for further consideration.

S.B. 687, a bill to provide for improvement permits for sewage disposal systems, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Committee Substitute bill 9627 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Albertson, the Committee Substitute bill is placed on the Calendar for Monday, May 8, for further consideration.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 339, a bill to grant added powers to the Stanly Airport Authority related to constructing an industrial park, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Speed, Warren, Webster, and Winner—42.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 524, a bill making sundry amendments concerning local governments in Orange County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Speed, Warren, Webster, and Winner—44.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 458, a bill to annex certain described territory to the City of Greenville, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Warren, and Winner—40.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, May 8, for further consideration upon third reading.

S.B. 557, a bill to authorize the City of Wilmington to enter into annexation and payment in lieu of tax agreements with the owners of certain classes of properties, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Warren, and Winner—39.

Voting in the negative: Senator Jordan—1.

The bill is ordered placed on the Calendar for Monday, May 8, for further consideration upon third reading.

S.B. 664, a bill to revise and consolidate the Charter of the Town of Plymouth, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Warren, and Winner—40.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, May 8, for further consideration upon third reading.

H.B. 214, a bill to revise and consolidate the Charter of the Town of Tarboro, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Warren, and Winner—40.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, May 8, for further consideration upon third reading.

S.B. 255, a bill to amend the law relating to Mount Airy's Firefighters' Supplementary Fund.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 428, a bill to amend the law regarding the Supplemental Welfare Fund for firemen in Forsyth County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 471, a bill to provide that the Buncombe County Board of Education shall be elected on a nonpartisan plurality basis on the date of the general election.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 476, a bill to change the manner of election of the Ashe County Board of Education from nonpartisan election at the time of the primary to nonpartisan election at the time of the general election.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 542, a bill to provide for the nonpartisan election of the Catawba County Board of Education by plurality vote at the time of the County general election.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 572, a bill changing the method of election of the Laurinburg City Council.

The bill passes its second and third readings and is ordered enrolled.

H.B. 591, a bill to change the manner of election of the Stokes County Board of Education to nonpartisan election at the time of the general election, and to provide that each election, two persons shall be elected for four–year terms and one person shall be elected to a two–year term.

The bill passes its second and third readings and is ordered enrolled.

H.B. 595, a bill to provide for the nonpartisan election of the Craven County Board of Education.

The bill passes its second and third readings and is ordered enrolled.

H.B. 598, a bill to revise Pender County Commissioner Districts.

The bill passes its second and third readings and is ordered enrolled.

H.B. 609, a bill to allow an exemption of Tyrrell County from the minimum number of hours its board of elections office must be open.

The bill passes its second and third readings and is ordered enrolled.

H.B. 611, a bill to exempt the Town of Southern Shores from certain statutory requirements in the building of a training center facility.

The bill passes its second and third readings and is ordered enrolled.

H.B. 628 (Committee Substitute), a bill to change the time of election of the Avery County Board of Education from November to May, and to provide that that Board shall take office in July of the year of their election.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 649, a bill to authorize sweet potato assessments to be paid by producers of sweet potatoes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Warren, and Winner—41.

Voting in the negative: Senators Horton, McDaniel, and Page—3.

The bill is ordered placed on the Calendar for Monday, May 8, for further consideration upon third reading.

S.B. 51 (Committee Substitute), a bill to require a one-year suspension for any student who brings certain weapons onto school property and to allow the superintendent to modify the suspension for children with special needs or by providing an alternative school setting.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (46–0).

The Committee Substitute bill, as amended, passes its second (45–1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 57 (Committee Substitute), a bill to implement the recommendations of the Legislative Research Commission's Committee on Alcoholic Beverage Control and to make other changes in the ABC laws.

The Committee Substitute bill fails to pass second reading (20–24).

Senator Odom offers a motion that the vote by which the Committee Substitute bill failed to pass its second reading be reconsidered, which motion prevails (24–20), and the question reverts to passage of the measure upon second reading.

On motion of Senator Cooper, the Committee Substitute bill is removed from today's Calendar and recommitted to the **Judiciary I/Constitution Committee**.

S.B. 81, a bill to enact the revised Article 3 of the Uniform Commercial Code and conforming and miscellaneous amendments to Articles 1 and 4 of the Uniform Commercial Code, as recommended by the General Statutes Commission.

On motion of Senator Gulley, Committee Amendments No. 1 and No. 2 are adopted.

Committee Amendment No. 3 is placed before the Senate for adoption. Senator Hartsell offers a substitute Amendment, No. 4.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Upon motion of Senator Horton, the President *Pro Tempore* orders, without objection, the bill, as amended, temporarily displaced, with substitute Amendment No. 4 pending.

With unanimous consent, the President Pro Tempore, grants a leave of absence for the remainder of today's Session to Senator Edwards.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 323, a bill to provide that observers at a precinct's voting place need not be registered voters in that precinct but shall be registered voters in the county, with a favorable report.

S.B. 501, a bill to require the parents of a dependent child who is the parent of a dependent child to contribute to the support of their grandchild, with a favorable report.

S.B. 565, a bill to direct the Joint Legislative Corrections Oversight Committee to study the Salary Continuation Program in the Department of Correction, with a favorable report.

S.B. 712, a bill to authorize the City of Durham and Durham County to apply to the Superior Court for compensatory and punitive damages in cases where intentional discrimination is found in employment practices and to authorize parties to elect between having a hearing in Superior Court or before the enforcement agency, with a favorable report.

S.B. 815, a bill to amend the law relating to voting precincts, with a favorable report.

S.B. 836, a bill to enhance parental support of children by amending the law pertaining to civil actions to establish paternity, with a favorable report.

S.B. 851, a bill to remove the sunset on designation of unemployment offices as voter registration agencies to comply with the National Voter Registration Act, with a favorable report.

On motion of Senator Gulley, the bill is re-referred to the **Appropriations Committee.**

S.B. 320, a bill to be known as the North Carolina Uniform Custodial Trust Act and to make conforming amendments to the power of attorney statutes, as recommended by the General Statutes Commission, with a favorable report, as amended.

S.B. 798, a bill authorizing sanitary districts to provide streets and law enforcement services, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the bill, as amended, engrossed and re-referred to the **Finance Committee.**

S.B. 843, a bill to revise the statutes regarding antitrust law to ensure that these provisions are internally consistent and consistent with federal antitrust laws, with a favorable report, as amended.

S.B. 590, a bill to make technical corrections and conforming changes to the General Statutes and Session Laws as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 6616 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Gulley, the Committee Substitute bill is placed on the Calendar for Monday, May 8, for further consideration.

S.B. 873, a bill allowing the use of alternative methods of notification of property owners of proposed zoning notice changes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 7667, which changes the title to read **S.B. 873** (Committee Substitute), a bill to clarify and simplify the public notice requirements for the rezoning of property, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Committee Substitute bill is adopted, and on his further motion the Committee Substitute bill is placed on the Calendar for Monday, May 8, for further consideration.

COMMITTEE REFERRAL RECALLS

S.B. 717, a bill to require the Moore County Board of Commissioners to redistrict their residency districts, referred to the **Judiciary II/Election Laws Committee** on April 13.

Pursuant to Rule 47(b), Senator Gulley offers a motion the bill be taken from the **Judiciary II/Election Laws Committee** and re-referred to the **Local Government and Regional Affairs Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Judiciary II/Election Laws Committee** and re-refers the measure to the **Local Government and Regional Affairs Committee.**

S.B. 661, a bill relating to the Montgomery County Board of Commissioners, referred to **Rules and Operation of the Senate Committee** on April 11.

Pursuant to Rule 47(b), Senator Rand offers a motion the bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Local Government and Regional Affairs Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Rules and Operation of the Senate Committee** and re-refers the measure to the **Local Government and Regional Affairs Committee.**

S.B. 662, a bill relating to the Richmond County Board of Commissioners, referred to **Rules and Operation of the Senate Committee** on April 11.

Pursuant to Rule 47(b), Senator Rand offers a motion the bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Rules and Operation of the Senate Committee** and re-refers the measure to the **Finance Committee.**

CALENDAR (Continued)

S.B. 177 (Committee Substitute), a bill to provide for the seizure of a motor vehicle used by a person driving with a permanently revoked drivers license.

With unanimous consent, on motion of Senator Plyler, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion is re-referred to the **Appropriations Committee.**

S.B. 631 (Committee Substitute), a bill to allow individuals to contribute income tax refunds to the Highway Wildflower Fund.

With unanimous consent, on motion of Senator Plyler, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion is re-referred to the **Appropriations Committee.**

S.B. 154 (Committee Substitute), a bill to increase the minimum property damage amount for a reportable motor vehicle accident and to resolve inconsistencies in the law concerning accident reports.

The Committee Substitute bill passes its second (41-0) and third (42-0) readings and is ordered sent to the House of Representatives.

S.B. 334 (Committee Substitute), a bill to make clarifying changes to the Long-Term Care Ombudsman Program law, the Nursing Home Community Advisory Committee law, and the domiciliary Home Community Advisory Committee law.

The Committee Substitute bill passes its second (39-0) and third (38-0) readings and is ordered sent to the House of Representatives.

S.B. 423, a bill to establish a State Vocational Rehabilitation/Independent Living Program for People With Disabilities.

Upon motion of Senator Lucas, the Chair orders, without objection, the bill temporarily displaced.

S.B. 447, a bill to prohibit boards of county commissioners and city councils from appointing their own members to public office except where a statute requires a member of that board to serve.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted, changing the title to read, **S.B. 447**, a bill to prohibit boards of county commissioners and city councils from appointing more than one of their own members to serve on any public board or commission except where a statute requires a member of that board to serve.

The bill, as amended, passes its second (37–6) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 423, a bill to establish a State Vocational Rehabilitation/Independent Living Program for People With Disabilities, temporarily displaced earlier.

With unanimous consent, on motion of Senator Lucas, further consideration of the bill is postponed until Tuesday, May 9.

S.B. 506 (Committee Substitute), a bill to make clarifying, technical changes to various public health laws, and to establish a minimum burial depth for human interment.

The Committee Substitute bill passes its second (42–3) and third readings and is ordered sent to the House of Representatives.

COMMITTEE REFERRAL RECALL

S.B. 637, a bill relating to the Twenty–Ninth Senatorial District, referred to **Rules and Operation of the Senate Committee** on May 1.

Pursuant to Rule 47(b), Senator Rand offers a motion the bill be taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Pensions and Retirement/Insurance/State Personnel Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Rules and Operation of the Senate Committee** and re–refers the measure to the **Pensions and Retirement/Insurance/ State Personnel Committee.**

CALENDAR (Continued)

S.B. 530, a bill to provide that the county publish a notice of a road closure hearing rather than publishing the full road closure resolution as currently required by law.

The bill passes its second (42–0) and third readings and is ordered sent to the House of Representatives.

S.B. 81, a bill to enact the revised Article 3 of the Uniform Commercial Code and conforming and miscellaneous amendments to Articles 1 and 4 of the Uniform Commercial Code, as recommended by the General Statutes Commission, temporarily displaced earlier with substitute Amendment No. 4 pending.

Following lengthy debate, Senator Rand offers a motion, seconded by Senator Carrington, that the Senate do adjourn to reconvene Monday, May 8, at 4:00 P.M., subject to the reading of Executive Orders, reports to the General Assembly,

messages from the House of Representatives, and introduction of bills, petitions, and resolutions, which motion prevails.

EXECUTIVE ORDER

An Executive Order received (*See Appendix*) is presented to the Senate, read, and referred to Committee as follows:

Executive Order Number 77, Transit 2001 Commission.
Referred to **Transportation Committee**.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Section 216, Chapter 321 of the 1993 Session Laws, the North Carolina Department of Public Instruction submits its Report on Developmental Day Centers' Grant-In-Aid.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills and resolutions which are read the first time and disposed of, as follows:

H.B. 111 (Committee Substitute), a bill to provide for the indexing of certain offenses committed by juveniles, to publish the identity of certain juveniles who have committed A-E felonies, to maintain records of certain juveniles, and to require notification of school officials in certain cases when the juvenile is adjudicated delinquent.
Referred to **Judiciary I/Constitution Committee**.

H.B. 229 (Committee Substitute), a bill to appropriate funds for the continuation budget operations of State departments, institutions, and agencies, and for other purposes.
Referred to **Appropriations Committee**.

H.B. 332 (Committee Substitute), a bill to clarify the Domiciliary and Nursing Home Penalty Assessment law.
Referred to **Children and Human Resources Committee.**

H.B. 361 (Committee Substitute), a bill to authorize the Department of Commerce to pledge block grant funds as loan guarantees pursuant to the Housing and Community Development Act.
Referred to **Commerce Committee**.

H.B. 378, a bill to resolve possible conflict in laws regarding temporary management of long-term care facilities and State/county special assistance for adults.
Referred to **Children and Human Resources Committee.**

H.B. 380, a bill to repeal the twelve thousand dollar exclusion limitation on certain property for purposes of determining eligibility for the State/county special assistance to adults programs.

Referred to **Children and Human Resources Committee.**

H.B. 420 (Committee Substitute), a bill to revise the law governing the procedures for filing and maintaining shareholder derivative suits.

Referred to **Judiciary I/Constitution Committee.**

H.B. 473, a bill to make procedural changes and technical corrections to the North Carolina Limited Liability Company Act, to allow retroactive indemnification of a manager or member of a limited liability company, and to extend the usury exemption to limited liability companies and partnerships.

Referred to **Judiciary I/Constitution Committee.**

H.B. 526 (Committee Substitute), a bill to increase the informal bid limits relating to the letting of purchase contracts by the City of Greensboro.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 606 (Committee Substitute), a bill to clarify the duties of the trustee of an irrevocable life insurance trust.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

H.B. 696, a bill to designate the Chief of Medical Staff of Johnston Memorial Hospital as an ex officio trustee of the County Hospital Authority.

Referred to **Local Government and Regional Affairs Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

The remaining bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Kerr:

S.B. 1013, a bill to appropriate funds to the Department of Agriculture for a dairy facility at the Cherry Farm Unit.

Referred to **Appropriations Committee.**

By Senators Cooper and Cochrane:

S.B. 1014, a bill requiring criminal history records checks of unlicensed applicants for employment in nursing homes and domiciliary homes.

Referred to **Judiciary I/Constitution Committee.**

By Senator Little:

S.B. 1015, a bill to change the definition of "developer" for purposes of the time share act.

Referred to **Commerce Committee.**

By Senator Odom:

S.B. 1016, a bill to prohibit a felon from purchasing, owning, possessing or having custody, care, or control of a handgun except in his or her own home or place of business.

Referred to **Judiciary I/Constitution Committee.**

By Senator Odom:

S.B. 1017, a bill to change the name of the Board of Medical Examiners of the State of North Carolina to the North Carolina Medical Board and to make conforming changes throughout the General Statutes.

Referred to **Commerce Committee.**

By Senator Jordan:

S.B. 1018, a bill to appropriate funds for an Equal Employment Opportunity officer in the Department of Agriculture.

Referred to **Appropriations Committee.**

By Senator Dannelly:

S.B. 1019, a bill to allow property tax refunds for overpayments due to clerical errors in the appraisal of property.

Referred to **Finance Committee.**

By Senators Cochrane, East, Little, Foxx, McDaniel, Webster, Shaw, Hobbs, and Martin of Guilford:

S.B. 1020, a bill to create the Piedmont Triad Horizon Education Consortium public school pilot project.

Referred to **Appropriations Committee.**

By Senators Cochrane, Forrester, Lucas, Cooper, Parnell, Little, and Kincaid:

S.B. 1021, a bill to clarify that home health agencies are restricted to serving patients within their service area, to sunset this restriction in two years, and to require the Health Planning Commission to determine whether to recommend the restriction be continued.

Referred to **Commerce Committee.**

By Senator Cochrane:

S.B. 1022, a bill to eliminate the category of associate home inspectors, to provide for the licensing of certain applicants without requiring an examination, and to make various conforming amendments.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Cochrane:

S.B. 1023, a bill to amend the procedure for obtaining an interbasin transfer permit.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senator Hartsell:

S.B. 1024, a bill to modify the statutes governing public construction contracts to permit a contractor to present the claims of its subcontractor.

Referred to **Judiciary I/Constitution Committee.**

By Senator Kincaid:

S.B. 1025, a bill to enhance the financial responsibility requirements for self-insured group workers' compensation funds.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Ledbetter, Martin of Guilford, Martin of Pitt, Carpenter, Blackmon, Speed, Edwards, and Sawyer:

S.B. 1026, a bill to appropriate funds for blind supported employment for individuals who are most severely disabled within the Division of Services for the Blind, Department of Human Resources, and to require this item to become part of the Department's continuation budget.

Referred to **Appropriations Committee.**

By Senator Lucas:

S.B. 1027, a bill to exempt from State and local sales tax sales of school pictures to public schools or public school students.

Referred to **Finance Committee.**

By Senator Page:

S.B. 1028, a bill to require that persons convicted of certain crimes be sentenced to an active punishment of imprisonment, to provide that a person may be sentenced to an intermediate or active punishment for assault on a female, and to amend the law regarding prior convictions and their effect on the prior record level for felony sentencing.

Referred to **Judiciary I/Constitution Committee.**

By Senators Page, Ballantine, McDaniel, Shaw, Carrington, Foxx, Kincaid, East, Forrester, Clark, Ledbetter, McKoy, Hartsell, Sawyer, and Horton:

S.B. 1029, a bill to require parental consent for services provided at school–based health clinics and to limit the scope of the services provided.

Referred to **Children and Human Resources Committee.**

By Senators Page, McDaniel, Shaw, Foxx, Carrington, Forrester, Clark, Ballantine, Ledbetter, McKoy, Horton, East, Davis, and Sawyer:

S.B. 1030, a bill to amend the Structured Sentencing Act to increase the penalties for most felonies and misdemeanors, amend the felony prior record level schedule, change the types of alternative penalties available as intermediate punishments, amend the list of aggravating mitigating factors, amend the conditions that may be imposed for post–release supervision and probation, and repeal probation caseload goals.

Referred to **Judiciary I/Constitution Committee.**

By Senator Parnell:

S.B. 1031, a bill to amend the law governing the computation of insurance rates, to require the Motor Vehicle Reinsurance Facility to provide for the distribution of gains and the recoupment of losses in the Facility Plan of operation, to define members of limited liability companies as employees for purposes of workers' compensation, to provide that contractors are not liable for the death of or injury to subcontractors under the Workers' Compensation Act, to provide for the immunity of the Rate Bureau for the release of erroneous information or the failure to release certain information related to safety consultation services and workers' compensation coverage, and to make other changes to the workers' compensation and insurance laws.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

By Senator Parnell:

S.B. 1032, a bill enacting and entering into the Southern Regional Emergency Management Assistance Compact.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Ballance:

S.B. 1033, a bill to eliminate the Department of Crime Control and Public Safety and place its divisions within the appropriate departments and to appropriate funds for those relocated divisions.

Referred to **Appropriations Committee.**

By Senator Ballance:

S.B. 1034, a bill to create the North Carolina Gaming Study Commission.

Referred to **Appropriations Committee.**

By Senator Ballance:

S.B. 1035, a bill to change some procedures with regard to surety bonds.

Referred to **Judiciary II/Election Laws Committee.**

By Senator Ballance:

S.B. 1036, a bill to appropriate funds to the Department of Human Resources to establish a State Nutrition Assistance Program.

Referred to **Appropriations Committee.**

By Senators Gulley and Ballance:

S.B. 1037, a bill to strengthen the enforcement of the criminal statute that prohibits selling cigarettes to minors, to establish a civil penalty for the sale or distribution of tobacco products to minors less than eighteen years of age, and to authorize the Attorney General to bring a civil action to seek civil remedies.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Gulley:

S.B. 1038, a bill to clarify jurisdictional authority for enforcement of the welfare and control laws, to establish the Animal Welfare Division within the Department of Agriculture, to create an Animal Welfare Act Enforcement Fund, to reduce costs of animal control by requiring cities and counties to charge a lower animal tax on pets that have been spayed or neutered, to provide for local programs for the spaying and neutering of animals, and to establish a Pet Fund within the newly created Animal Welfare Division to provide assistance to those programs.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee..**

By Senators Gulley and Winner:

S.B. 1039, a bill to provide incentives for candidates for the General Assembly to limit their campaign expenditures.

Referred to the **Judiciary II/Election Laws Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Gulley:

S.B. 1040, a bill to establish North Carolinians for positive campaigns and make related changes.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Blackmon:

S.B. 1041, a bill to establish the minimum streamflow in the length of the stream affected by certain dams operated by small hydroelectric power producers and to provide that the minimum streamflows thus specified are the policy of the State for such dams, whether or not a particular dam is subject to the Dam Safety Law of 1967.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senators Blackmon, Edwards, and Plexico:

S.B. 1042, a bill to make various amendments regarding guaranteed energy savings contracts in order to enhance the viability of guaranteed energy savings contracts by local governmental units and to repeal the sunset for local governmental units to enter into these contracts.

Referred to **Commerce Committee.**

By Senators Webster, McDaniel, East, Hoyle, Carrington, Ledbetter, Clark, and Foxx:

S.B. 1043, a bill to limit the damages that can be recovered for personal injury or wrongful death in a civil suit arising out of an accident involving a motor vehicle if the claimant is an individual at least sixteen years of age who is not pregnant and failed to wear an available, functional seat belt.

Referred to **Judiciary II/Election Laws Committee.**

By Senators Speed, Martin of Pitt, Albertson, and Cooper:

S.B. 1044, a bill to save the State of North Carolina the cost of vaccines and the administration of vaccines where insurance coverage is provided.

Referred to **Children and Human Resources Committee.**

By Senators Speed, Hobbs, Plyler, Ballance, Lucas, Albertson, Cooper, Sherron, Carpenter, and Allran:

S.J.R. 1045, a joint resolution authorizing the Legislative Research Commission to study the issues involved in the Emergency Medical Services Act of 1973.

Referred to **Appropriations Committee.**

By Senators Speed, Plyler, Lucas, Sherron, Ballance, and Allran:

S.B. 1046, a bill to remove certain property from the State Nature and Historic Preserve and to authorize the deletion of various properties from the State Parks System.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senator Edwards:

S.B. 1047, a bill to create recovery care centers by allowing certain ambulatory surgical facilities to admit patients for up to seventy-two hours.

Referred to **Children and Human Resources Committee.**

By Senator McDaniel:

S.B. 1048, a bill creating the Local Government Services and Regional Planning Study Commission and appropriating funds to the General Assembly for the work of the Commission.

Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1049, a bill to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and allows credits for investments in certain investment businesses.

Referred to **Finance Committee.**

By Senator Sherron:

S.J.R. 1050, a joint resolution authorizing the Legislative Research Commission to study the desirability and the feasibility of merging the Division of Travel and Tourism of the Department of Commerce and the Division of Parks and Recreation of the Department of Environment, Health, and Natural Resources.

Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1051, a bill to extend access to criminal record checks to intermediate care facilities for the mentally retarded.

Referred to **Judiciary I/Constitution Committee.**

By Senator Sherron:

S.B. 1052, a bill authorizing regional transportation authorities to levy a tax on gross receipts derived from the short–term lease or rental of passenger motor vehicles in lieu of a vehicle registration tax.

Referred to **Finance Committee.**

By Senator Sherron:

S.B. 1053, a bill to provide that funds from the Highway Trust Fund may be used to complete the outer loop around Raleigh.

Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1054, a bill to require that certain advance rental payments be deposited in trust accounts and that the landlord deliver periodic accountings to the tenant.

Referred to **Commerce Committee.**

By Senator Kerr:

S.B. 1055, a bill to modify the excise tax on newsprint.

Referred to **Finance Committee.**

By Senators Martin of Guilford and Odom:

S.B. 1056, a bill to establish a grant program for research on cancer and heart disease, and to allow taxpayers to contribute to cancer and heart disease research when they file their State income tax returns.

Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1057, a bill to redefine education of deaf and hard-of-hearing students in Central North Carolina and to appropriate funds for that purpose.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Rand, Hartsell, Ballance, Jordan, and Cooper:

S.B. 1058, a bill to equalize the salaries of administrative law judges within the Office of Administrative Hearings at a percentage of the salary of the Director of the Office of Administrative Hearings.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Perdue, Speed, Hartsell, Ballance, Jordan, Lucas, and Cooper:

S.B. 1059, a bill to appropriate funds for capital improvements to senior centers Statewide.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Hartsell, Jordan, Ballance, Lucas, McDaniel, Odom, and Cooper:

S.B. 1060, a bill to establish a pilot program for deferred prosecution of alcohol and substance abusers.

Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1061, a bill to appropriate additional funds for Thomas S. services to aid in bringing closure to the lawsuit.

Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1062, a bill to appropriate funds for new human resources services.

Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1063, a bill to appropriate funds for human resources services.

Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1064, a bill to structure a more effective job-training system for North Carolina and to appropriate funds.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Ballantine, Edwards, Gulley, Horton, Jordan, Lucas, McDaniel, McKoy, Odom, Rand, Sawyer, Shaw, Sherron, and Dannelly:

S.B. 1065, a bill to direct the establishment of drug court programs in Cumberland, Durham, Forsyth, Guilford, and New Hanover Counties.

Referred to **Appropriations Committee.**

By Senator Perdue:

S.B. 1066, a bill to establish a residential education center for disruptive youth who are at risk of entering the juvenile justice system, and to make an appropriation.

Referred to **Appropriations Committee.**

By Senator Perdue:
S.B. 1067, a bill to appropriate funds for basic school grants.
Referred to **Appropriations Committee**.

By Senators Perdue, Albertson, Ballantine, Edwards, Jordan, Kerr, Parnell, and Rand:
S.B. 1068, a bill to appropriate funds to the Board of Governors of the University of North Carolina to establish pilot programs that offer educational opportunities at sites located in areas away from the campuses of the constituent institutions.
Referred to **Appropriations Committee**.

By Senator Perdue:
S.B. 1069, a bill to appropriate funds for a litigation reserve for the State Board of Education.
Referred to **Appropriations Committee**.

By Senator Perdue:
S.B. 1070, a bill to establish the State and Local Government Fiscal Relations Study Commission.
Referred to **Appropriations Committee**.

By Senator Perdue:
S.B. 1071, a bill to create the Common Sense Regulatory Review Commission, which shall develop a new approach to State regulations in North Carolina and shall develop a strategy to establish an Environment Commission patterned after the North Carolina Utilities Commission.
Referred to **Appropriations Committee**.

By Senators Martin of Guilford, Shaw, and Foxx:
S.B. 1072, a bill to appropriate funds to the Board of Governors of the University of North Carolina for North Carolina A & T State University to support the Piedmont Triad Center for Advanced Manufacturing and to the State Board of Community Colleges to establish a "seamless education pilot project."
Referred to **Appropriations Committee**.

By Senator Allran:
S.B. 1073, a bill to provide that the Court of Appeals shall hear appeals in criminal cases in which life sentences are imposed and to provide that a direct appeal of right to the Supreme Court exists only when a sentence of death is imposed.
Referred to **Judiciary II/Election Laws Committee**.

By Senator Rand:
S.B. 1074, a bill to punish as a felony an assault committed with intent to kill or intent to inflict extremely serious injury and an assault inflicting extremely serious injury.
Referred to **Judiciary II/Election Laws Committee**.

By Senator Rand:
S.B. 1075, a bill to provide administrative subpoena authority to the State Bureau of Investigation.
Referred to **Judiciary II/Election Laws Committee**.

By Senator Hoyle:

S.B. 1076, a bill to increase the amount of certain fees set by the North Carolina State Board of Examiners for Nursing Home Administrators.

Referred to **Finance Committee.**

By Senator Rand:

S.B. 1077, a bill regarding the Lake Gaston settlement.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Odom, Horton, Carpenter, McKoy, Shaw, Blackmon, Carrington, McDaniel, Foxx, Lucas, Webster, Hartsell, Allran, Plexico, and Martin of Guilford:

S.B. 1078, a bill to authorize local boards of education to have materials posted to educate students about the moral, ethical, and virtuous principles of the world's religions and the great philosophers of civilization.

Referred to **Education/Higher Education Committee.**

By Senators McKoy, Jordan, and Edwards:

S.B. 1079, a bill to appropriate funds to the Department of Commerce for use by the North Carolina Minority Credit Union Support Center to improve minority economic development in economically disadvantaged rural and urban areas of North Carolina.

Referred to **Appropriations Committee.**

By Senators Albertson, Kerr, and Hoyle:

S.B. 1080, a bill to place certain restrictions on the siting of swine operations.

Referred to **Agriculture/Environment/Natural Resources Committee.**

By Senator Hobbs:

S.B. 1081, a bill to appropriate funds to the Department of Commerce to expand the staff of the Industrial Commission.

Referred to **Appropriations Committee.**

By Senator Hobbs:

S.B. 1082, a bill to appropriate funds to the Department of Commerce for capital projects and other expenses of the Industrial Commission.

Referred to **Appropriations Committee.**

By Senator Hobbs:

S.B. 1083, a bill to provide an income tax credit for an employer's expenses in allowing an employee to do volunteer work for a public school.

Referred to **Finance Committee.**

By Senator Hobbs:

S.B. 1084, a bill to amend Article 2 of Chapter 119 of the General Statutes regarding the regulation of rerefined or reprocessed oil.

Referred to **Commerce Committee.**

By Senator Shaw:

S.B. 1085, a bill to restrict local government authority to impose fees that apply to all property within its taxing jurisdiction with the intent that local governments

use property tax revenues because property taxes are deductible for federal income tax purposes and fees are not.

Referred to **Finance Committee.**

By Senator Warren:

S.B. 1086, a bill to allow banks to make loans secured by shares of its own stock or that of its parent holding company under certain circumstances.

Referred to **Commerce Committee.**

By Senators Winner and Plexico:

S.B. 1087, a bill to implement the recommendations of the State Board of Education.

Referred to **Education/Higher Education Committee.**

By Senators Winner and Plexico:

S.B. 1088, a bill to establish the Commission to Study School Funding.

Referred to **Appropriations Committee.**

By Senator Plexico:

S.B. 1089, a bill to appropriate funds for capital expenses of the Brevard Music Center in Transylvania County.

Referred to **Appropriations Committee.**

By Senator Plexico:

S.B. 1090, a bill to appropriate funds to purchase and renovate a facility for use by the Henderson County Sheltered Workshop.

Referred to **Appropriations Committee.**

By Senators Ballantine and Rand:

S.B. 1091, a bill to amend Article 2 of Chapter 44A of the General Statutes regarding liens on real property.

Referred to **Judiciary I/Constitution Committee.**

By Senator Ballantine:

S.B. 1092, a bill to reorganize Chapter 74C of the General Statutes regarding private protective services and to make various amendments to that Chapter.

Referred to **Judiciary I/Constitution Committee.**

By Senators McDaniel and Ballantine:

S.B. 1093, a bill to repeal the defense of not guilty by reason of insanity and to establish the sentence of guilty but mentally ill.

Referred to **Judiciary I/Constitution Committee.**

By Senator Hoyle:

S.B. 1094, a bill to increase certain fees under the Nursing Home Administrator Act.

Referred to **Finance Committee.**

With bills remaining on the Calendar, pursuant to motion of Senator Rand, the Senate stands adjourned at 6:22 P.M. to meet Monday, May 8, at 4:00 P.M.

FIFTY–NINTH DAY

SENATE CHAMBER,
Monday, May 8, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father, grant us the gift of modesty this week. When we speak, teach us to give our opinion quietly and sincerely. When we succeed, give us a sense of proportion, realizing what we owe to You and to the efforts of others. If we fail, may we not take defeat personally.

"In all our ways help us to be simple, thoughtful, quiet in manner, and humble in attitude. Then much shall be accomplished in this Senate Chamber. We pray in Your Holy Name, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Senator Smith due to hospitalization; to Senator Hoyle due to business; and to Senator Jordan.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, May 4, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Milton D. Quigless of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 572, an act changing the method of election of the Laurinburg City Council. (Ch. 65)

H.B. 591, an act to change the manner of election of the Stokes County Board of Education to nonpartisan election at the time of the general election, and to provide that each election, two persons shall be elected for four–year terms and one person shall be elected to a two–year term. (Ch. 66)

H.B. 595, an act to provide for the nonpartisan election of the Craven County Board of Education. (Ch. 67)

H.B. 598, an act to revise Pender County Commissioner Districts. (Ch. 68)

H.B. 609, an act to allow an exemption of Tyrrell County from the minimum number of hours its board of elections office must be open. (Ch. 69)

H.B. 611, an act to exempt the Town of Southern Shores from certain statutory requirements in the building of a training center facility. (Ch. 70)

H.B. 628 (Committee Substitute), an act to change the time of election of the Avery County Board of Education from November to May, and to provide that that Board shall take office in July of the year of their election. (Ch. 71)

INTRODUCTION OF RESOLUTION

With unanimous consent, Rule 40.1(b) is suspended, and a resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Cochrane, Little, Foxx, Winner, and Lucas:

S.J.R. 1095, a joint resolution recognizing the one hundredth year of women serving in State legislatures and the many contributions women serving or formerly serving, in various capacities in the General Assembly of the State of North Carolina have made to our legislative process, and honoring North Carolina's women legislators who are now deceased.

Referred to **Rules and Operation of the Senate Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 63 (Committee Substitute No. 2), a bill to provide for a specialty license for transport refrigeration contractors, to change the composition of the licensing board, and to amend other provisions of the law governing refrigeration contractors.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 90 (Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to authorize issuance of concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, and to make conforming statutory changes.

Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 135, a bill to make confidential all photographic images recorded by the Division of Motor Vehicles for drivers licenses.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 136, a bill to make permanent the exemption for real estate acquired by the Department of Transportation from the requirement that it be appraised by a licensed or certified appraiser when the estimated value of the real estate is less than ten thousand dollars.

Referred to **Transportation Committee.**

H.B. 340 (Committee Substitute), a bill to provide that an individual who is unable to pass a controlled substance examination is ineligible for unemployment benefits under certain circumstances.

Referred to **Commerce Committee.**

H.B. 505 (Committee Substitute No. 2), a bill to allow the Cities of Gastonia, Belmont, and Mount Holly and the Town of Stanley to make certain assessments outside the corporate limits.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee.**

H.B. 655, a bill to allow the City of Raleigh to implement certain alternative zoning notice procedures.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 656, a bill to make amendments to the Raleigh City Charter.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 767 (Committee Substitute), a bill promoting the use of the Eddie Eagle Elementary Gun Safety Education Program in State's elementary schools.

Referred to **Education/Higher Education Committee.**

H.B. 758 (Committee Substitute), a bill to adjust charges by lenders.

Referred to **Commerce Committee.**

H.B. 791, a bill to provide that conviction of third or subsequent driving while impaired makes motor vehicle subject to forfeiture.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 834 (Committee Substitute), a bill (1) to provide for parental review of and to place certain restrictions on any instruction on sexually transmitted diseases or out–of–wedlock pregnancy given as part of a comprehensive school health program; (2) to make changes to the appointments to the State School Health Advisory Committee; (3) to require public schools to offer an abstinence until marriage program; and (4) to authorize local school boards to offer comprehensive sex education when certain requirements concerning review and local approval are satisfied.

Referred to **Education/Higher Education Committee.**

H.B. 837 (Committee Substitute), a bill to modify the time limit within which motor vehicle manufacturers and distributors may audit and chargeback dealers for warranty repairs.

Referred to **Transportation Committee.**

H.B. 846, a bill to provide that State legislative and congressional redistricting plans may not divide precincts unless a plan has been rejected under Section 5 of the Voting Rights Act of 1965, and if so rejected, only the minimum number of precincts are divided in a subsequent plan as are required to obtain approval.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 881, a bill to provide an alternative method of teacher certification.
Referred to **Education/Higher Education Committee.**

H.B. 908, a bill to require the public schools to provide instruction in character education.
Referred to **Education/Higher Education Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 426, a bill to amend the public records law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
On motion of Senator Cooper, the proposed Committee Substitute bill 5633 is placed before the Senate for immediate consideration, and on his further motion is adopted.
Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee.**

S.B. 484, a bill to allow the Division of Motor Vehicles to provisionally restore the drivers license of a person convicted of habitual impaired driving after five years, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 4620 is placed before the Senate for immediate consideration, and on his further motion is adopted.
On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Tuesday, May 9, for further consideration.

S.B. 771, a bill to clarify the status of independent contractors of public hospitals, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 4619 is placed before the Senate for immediate consideration, and on his further motion is adopted.
On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Tuesday, May 9, for further consideration.

CALENDAR

Senator Basnight offers a motion all bills ordered sent to the House of Representatives today through Thursday, May 11, be sent by special messenger, which motion prevails with unanimous consent.

Bills on the Calendar, carried forward as unfinished business from Thursday, May 4, are taken up and disposed of, as follows:

S.B. 81, a bill to enact the revised Article 3 of the Uniform Commercial Code and conforming and miscellaneous amendments to Articles 1 and 4 of the Uniform Commercial Code, as recommended by the General Statutes Commission, as amended, with Amendment No. 3 and a substitute Amendment, No. 4, pending.

Upon the appearance of Senator Jordan in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

On motion of Senator Hartsell, substitute Amendment No. 4 is adopted (44–1).

The bill, as amended, passes its second reading (44–1).

Senator Hartsell objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the bill, as amended, placed on the Calendar for tomorrow, Tuesday, May 9, for further consideration upon third reading.

S.B. 546, a bill to allow cities to provide for a nonbinding presidential primary at the time of the municipal election so as to focus national attention and at least a part of the presidential debate on urban issues.

Senator Simpson offers Amendment No. 1 which is adopted (29–15). Pursuant to Rule 55, with unanimous consent, the Chair directs the Clerk to change the title to read **S.B. 546**, a bill to allow cities to provide for a nonbinding Democratic presidential primary at the time of the municipal election so as to focus national attention and at least a part of the presidential debate on urban issues.

The bill, as amended, passes its second (35–9) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 130 (Committee Substitute), a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Workers' Pension Fund and the monthly member contribution and to declare the intent of the legislature to provide cost–of–living increases, as funds are available, and to update the reference to the North Carolina Association of Rescue and Emergency Medical Services, Inc., on today's Calendar.

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill is taken up out of its regular order of business, and on her further motion, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

S.B. 210, a bill to implement recommendations of the North Carolina Sentencing and Policy Advisory Commission to provide for victim impact statements for presentation to the court, to order restitution to victims where appropriate, to make restitution a first priority, and to extend probation for the payment of restitution, on today's Calendar.

With unanimous consent, on motion of Senator Perdue, the bill is taken up out of its regular order of business, and on her further motion the bill is re–referred to the **Appropriations Committee**.

S.B. 503 (Committee Substitute), a bill to allow the Division of Motor Vehicles to issue restricted commercial drivers licenses to seasonal drivers for certain farm–related services industries, on today's Calendar.

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill is taken up out of its regular order of business, and on her further motion, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

S.B. 815, a bill to amend the law relating to voting precincts, on today's Calendar.

With unanimous consent, on motion of Senator Perdue, the bill is taken up out of its regular order of business, and on her further motion, the bill is re–referred to the **Appropriations Committee**.

COMMITTEE REFERRAL RECALL

S.B. 499, a bill to allow the payment of additional benefits to Rescue and Emergency Medical Services workers, referred to the **Appropriations Committee** on May 3.

Pursuant to Rule 47(b), Senator Perdue offers a motion the bill be taken from the **Appropriations Committee** and placed on the Calendar for Tuesday, May 9, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and places it on the Calendar for Tuesday, May 9, for consideration upon its passage.

CALENDAR (Continued)

S.B. 591 (Committee Substitute), a bill to establish a license for customer service representatives, to establish a temporary license, and to make conforming changes to the law that governs the licensing and continuing education requirements of insurance agents and brokers, on today's Calendar.

With unanimous consent, on motion of Senator Kincaid, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the Committee Substitute bill is postponed until Tuesday, May 9.

S.B. 554, a bill to authorize the purchase of goods and services for persons with disabilities under procedures that allow flexibility to meet individual needs.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 558, a bill to provide for expedited eviction of persons engaged in drug–related criminal activity and other criminal activity that threatens the health, safety, or peaceful enjoyment of rental property.

With unanimous consent, following debate, on motion of Senator Odom, further consideration of the bill is postponed until Tuesday, May 9.

S.B. 564, a bill to change the manner in which an execution date is reset for a person who has been sentenced to death and whose sentence has been affirmed and any stay of execution has expired.

The bill passes its second (47–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 651, a bill to require the permanent identification of a dead body.

On motion of Senator Lucas, Committee Amendment No. 1 is adopted.

Senator Rand offers Amendment No. 2 which is adopted (47–0).

Senator Webster offers Amendment No. 3 which fails of adoption (16–31).

The bill, as amended, passes its second (39–9) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

MESSAGES TO THE HOUSE OF REPRESENTATIVES

On motion of Senator Basnight, bills ordered sent to the House of Representatives on Thursday, May 4, are sent by special messenger as follows:

S.B. 51 (Committee Substitute), a bill to require a one-year suspension for any student who brings certain weapons onto school property and to allow the superintendent to modify the suspension for children with special needs or by providing an alternative school setting.

S.B. 154 (Committee Substitute), a bill to increase the minimum property damage amount for a reportable motor vehicle accident and to resolve inconsistencies in the law concerning accident reports.

S.B. 255, a bill to amend the law relating to Mount Airy's Firefighters' Supplementary Fund.

S.B. 334 (Committee Substitute), a bill to make clarifying changes to the Long-Term Care Ombudsman Program law, the Nursing Home Community Advisory Committee law, and the Domiciliary Home Community Advisory Committee law.

S.B. 339, a bill to grant added powers to the Stanly Airport Authority related to constructing an industrial park.

S.B. 428, a bill to amend the law regarding the Supplemental Welfare Fund for firemen in Forsyth County.

S.B. 447, a bill to prohibit boards of county commissioners and city councils from appointing more than one of their own members to serve on any public board or commission except where a statute requires a member of that board to serve.

S.B. 471, a bill to provide that the Buncombe County Board of Education shall be elected on a nonpartisan plurality basis on the date of the general election.

S.B. 476, a bill to change the manner of election of the Ashe County Board of Education from nonpartisan election at the time of the primary to nonpartisan election at the time of the general election.

S.B. 506 (Committee Substitute), a bill to make clarifying, technical changes to various public health laws, and to establish a minimum burial depth for human interment.

S.B. 524, a bill making sundry amendments concerning local governments in Orange County.

S.B. 530, a bill to provide that the county publish a notice of a road closure hearing rather than publishing the full road closure resolution as currently required by law; and

S.B. 542, a bill to provide for the nonpartisan election of the Catawba County Board of Education by plurality vote at the time of the County general election.

CALENDAR (Continued)

With unanimous consent, on motion of Senator Rand, the following House bills on today's Calendar are taken up out of their regular order of business, and on his further motion, consideration is postponed until Monday, May 15:

H.B. 204 (Committee Substitute), a bill to ensure representation of both for–profit and nonprofit institutions on the State Board of Examiners for Nursing Home Administrators.

H.B. 456 (Committee Substitute), a bill to create the North Carolina Progress Board.

H.B. 543 (Senate Committee Substitute), a bill making a qualified exception from the Public Records Act for the Dare County and Pamlico County Geographical Information Systems.

H.B. 554, a bill to provide for flags to signal the presence of skiers and other persons in the water.

H.B. 632, a bill to provide that the laws relating to motor vehicles apply within the Carolina Trace Community in Lee County; and

H.B. 750 (Committee Substitute), a bill to allow the use of State trucks and vans for the State Games of North Carolina.

CALENDAR (May 4 Unfinished Business Continued)

S.B. 682, a bill to provide for the appointment of standby guardians.

The bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 780, a bill to amend the law regarding license renewal for nursing homes.

The bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 166 (Committee Substitute), a bill to amend certain provisions of law that regulate attorneys–at–law, as amended, upon third reading.

Senator Kerr offers Amendment No. 2 which is adopted (43–2).

The Committee Substitute bill, as amended, passes its third reading (44–1) and is ordered engrossed and sent to the House of Representatives by special messenger.

H.B. 657 (Senate Committee Substitute), a bill making sundry amendments concerning local governments in Chatham County.

Senator Hobbs offers Amendment No. 1 which is adopted with unanimous consent.

The Senate Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, by special messenger.

Bills placed on the Calendar for today are taken up and disposed of, as follows:

S.B. 458, a bill to annex certain described territory to the City of Greenville, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: Senator McDaniel—1.

The bill is ordered sent to the House of Representatives by special messenger.

S.B. 557, a bill to authorize the City of Wilmington to enter into annexation and payment in lieu of tax agreements with the owners of certain classes of properties, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Speed, Warren, Webster, and Winner—43.

Voting in the negative: Senators Jordan, McDaniel, and Soles—3.

The bill is ordered sent to the House of Representatives by special messenger.

S.B. 664, a bill to revise and consolidate the Charter of the Town of Plymouth, upon third reading, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: Senator McDaniel—1.

The bill is ordered sent to the House of Representatives by special messenger.

H.B. 214, a bill to revise and consolidate the Charter of the Town of Tarboro, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy,

Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: Senator McDaniel—1.

The bill is ordered enrolled.

S.B. 270, a bill to authorize the City of Shelby to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 35, noes 11, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Conder, Cooper, Dannelly, Davis, Edwards, Foxx, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Plexico, Plyler, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—35.

Voting in the negative: Senators Ballance, Clark, Cochrane, East, Forrester, Gulley, McDaniel, Page, Perdue, Rand, and Webster—11.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, May 9, for further consideration upon third reading.

S.B. 364, a bill to authorize Columbus County to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Carrington, Conder, Cooper, Dannelly, Davis, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—38.

Voting in the negative: Senators Ballantine, Clark, Cochrane, East, Forrester, McDaniel, Page, and Webster—8.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, May 9, for further consideration upon third reading.

S.B. 491, a bill to authorize the Town of Highlands to levy a room occupancy and tourism development tax, upon second reading.

With unanimous consent, on motion of Senator Conder, consideration of the bill is postponed until Wednesday, May 10.

S.B. 536, a bill to authorize the City of Mount Airy to levy a room occupancy and tourism development tax, upon second reading.

With unanimous consent, on motion of Senator Conder, consideration of the bill is postponed until Wednesday, May 10.

S.B. 556, a bill to specify how the proceeds of the Burke occupancy tax shall be divided between the two purposes for which they may be used.

The bill passes its second reading.

Senator Basnight objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 9, for further consideration upon third reading.

S.B. 681, a bill to modify the purposes for which Greensboro may use the proceeds of its local occupancy tax.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading.

Senator Basnight objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 9, for further consideration upon third reading.

S.B. 712, a bill to authorize the City of Durham and Durham County to apply to the Superior Court for compensatory and punitive damages in cases where intentional discrimination is found in employment practices and to authorize parties to elect between having a hearing in Superior Court or before the enforcement agency.

The bill passes its second reading.

Senator Basnight objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 9, for further consideration upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 388, a bill to amend the pesticide law, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

S.B. 874, a bill to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources and related laws, with a favorable report.

S.B. 990, a bill to provide for more effective administrative permit review under the Coastal Area Management Act, with a favorable report.

S.B. 1023, a bill to amend the procedure for obtaining an interbasin transfer permit, with a favorable report.

S.B. 174, a bill to prohibit the aerial application of pesticides within three hundred feet of a residence and to prohibit the aerial application of pesticides without notifying occupants of nearby buildings twenty–four hours before the application, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Committee Substitute bill 5635, which changes the title to read **S.B. 174** (Committee Substitute), a bill to provide for notification to owners and residents of land adjoining land on which a pesticide is applied by aerial application of the aerial application of the pesticide, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Tuesday, May 9, for further consideration.

S.B. 991, a bill to establish the wetlands restoration, enhancement, and protection program, to establish a wetlands mitigation bank, and to provide that a mitigation fee may be paid into the wetlands mitigation bank in lieu of other mitigation measures, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the proposed Committee Substitute bill 5634 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Albertson, the Committee Substitute bill is re–referred to the **Finance Committee** and upon a favorable report, re–referred to the **Appropriations Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 7 House of Representatives
(Senate Committee Substitute) May 8, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for **HB 7**, A BILL TO BE ENTITLED AN ACT TO RESTORE CONSTITUTIONAL POWERS TO THE STATE BOARD OF EDUCATION AND TO MAKE CONFORMING AND TECHNICAL CHANGES, and the title becomes, Senate Committee Substitute for **HB 7**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUTES SO AS TO STREAMLINE THE OPERATIONS OF THE STATE EDUCATION AGENCY. The Speaker has ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

CALENDAR (Continued)

S.B. 264, a bill to revive the Charter of the Town of Bethania, for concurrence in House Amendment No. 1, upon second reading.

Receiving a three–fifths affirmative majority vote, the Senate concurs in House Amendment No. 1 on its second reading by roll–call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Odom, Page, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Webster, and Winner—43.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Tuesday, May 9, for concurrence upon third reading.

S.B. 649, a bill to authorize sweet potato assessments to be paid by producers of sweet potatoes, upon third reading.

Senator Horton offers Amendment No. 1 which is adopted (41–0).

The bill, as amended, passes its third reading by roll–call vote, ayes 42, noes 2, as follow:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—42.

Voting in the negative: Senators Clark and McDaniel—2.

The bill is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 293, a bill to permit the importation and bottling of spirituous liquor within foreign trade zones located at the Wilmington and Morehead City Ports, upon second reading.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll–call vote, ayes 39, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Conder, Cooper, Dannelly, Davis, East, Edwards, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—39.

Voting in the negative: Senators Clark, Cochrane, Forrester, Foxx, McDaniel, Page, and Plexico—7.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, May 9, for further consideration upon third reading.

S.B. 26 (Committee Substitute), a bill to enable local boards of education to expel from school those students whose continued presence in school constitutes a clear threat to the safety and health of other students or employees.

Senator Winner offers Amendment No. 1 which is adopted (45–3).

The Committee Substitute bill, as amended, passes its second (39–7) and third readings.

Senator Kerr requests to be recorded voting "aye" upon third reading.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 127 (Committee Substitute), a bill to impose criminal penalties for the abuse, neglect, or exploitation of disabled or elder adults living in a domestic setting.

The Committee Substitute bill passes its second (48–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 301, a bill relating to managed care operations.

With unanimous consent, on motion of Senator Parnell, the bill is taken up out of its regular order of business, and on his further motion, consideration of the bill is postponed until Tuesday, May 9.

S.B. 159 (Committee Substitute), a bill to rewrite Chapter 48 of the General Statutes relating to adoption as recommended by the General Statutes Commission.

The Committee Substitute bill passes its second (46–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 320, a bill to be known as the North Carolina Uniform Custodial Trust Act and to make conforming amendments to the power of attorney statutes, as recommended by the General Statutes Commission.

With unanimous consent, on motion of Senator Hartsell, consideration of the bill is postponed until Tuesday, May 9.

S.B. 323, a bill to provide that observers at a precinct's voting place need not be registered voters in that precinct but shall be registered voters in the county.

The bill passes its second (45–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 341, a bill to bring the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Local Governmental Employees' Retirement System, and the Legislative Retirement System into compliance with the Internal Revenue Code and to bring the Supplemental Retirement Income Plans for State and Local Law Enforcement Officers into compliance with the Uniformed Services Employment and Reemployment Rights Act.

The bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 362 (Committee Substitute), a bill relating to appointments to the Sheriffs' Education and Training Standards Commission, amending the laws relating to the powers of and appeals before the Sheriffs' Education and Training Standards Commission, and otherwise pertaining to Chapter 17E of the General Statutes.

The bill passes its second reading (45–0).

Senator Shaw objects to the third reading of the measure, which motion the Chair rules out of order as not timely offered.

Subsequently, on motion of Senator Cooper, further consideration of the Committee Substitute bill is postponed until Tuesday, May 9.

S.B. 449, a bill relating to practice restrictions imposed on health care workers who are infected with HIV or Hepatitis B.

The bill passes its second reading (46–0).

Senator Jordan objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 9, for further consideration upon third reading.

S.B. 452, a bill to require that former legislators wait two years before serving on the Board of Governors of the University of North Carolina.

With unanimous consent, on motion of Senator Warren, the bill is re–referred to the **Rules and Operation of the Senate Committee**.

S.B. 501, a bill to require the parents of a dependent child who is the parent of a dependent child to contribute to the support of their grandchild.

Senator Rand offers Amendment No. 1 which is adopted (45–0).

The bill, as amended, passes its second reading (45–3).

Senator Ballance objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 9, for further consideration upon third reading.

S.B. 559 (Committee Substitute), a bill to increase the penalties for a drug offense that occurs in a drug–free public housing zone, to provide that acceptance of rent by a housing authority is not a waiver of default, to authorize housing authorities to govern entry upon housing authority property by guests and visitors, and to make it a crime to trespass on public housing authority property.

With unanimous consent, on motion of Senator Odom, consideration of the Committee Substitute bill is postponed until Tuesday, May 9.

S.B. 565, a bill to direct the Joint Legislative Corrections Oversight Committee to study the Salary Continuation Program in the Department of Correction.

The bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 567, a bill to make domestic violence a presumptive factor in custody determination matters.

The bill passes its second (43–2) and third readings and is ordered sent to the House of Representatives by special messenger.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

S.B. 590 (Committee Substitute), a bill to make technical corrections and conforming changes to the General Statutes and Session Laws as recommended by the General Statutes Commission.

The Committee Substitute bill passes its second (42–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 612 (Committee Substitute), a bill to require the Building Code Council to adopt alternative safety systems for buildings built prior to 1953.

The Committee Substitute bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 643 (Committee Substitute), a bill to provide for prior notice of sewer system moratoria to the affected unit of government and to the public.

The Committee Substitute bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 653, a bill to make technical and other changes to the Medical Practice Act.

The bill passes its second (46–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 449, a bill relating to practice restrictions imposed on health care workers who are infected with HIV or Hepatitis B, on the Calendar for Tuesday, May 9, upon third reading.

With unanimous consent, Senator Jordan withdraws his objection to third reading, the Senate reconsiders and the bill is taken from the Calendar for Tuesday, May 9, and placed before the Senate for further consideration upon third reading.

The bill passes third reading (46–0) and is ordered sent to the House of Representatives by special messenger.

S.B. 687 (Committee Substitute), a bill to provide for improvement permits for sewage disposal systems.

The Committee Substitute bill passes its second reading (39–7).

Senator Rand objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 9, for further consideration upon third reading.

S.B. 742, a bill to authorize the Secretary of the Department of Human Resources to investigate the deaths of certain Thomas S. class members.

On motion of Senator Lucas, Committee Amendment No. 1 is adopted (45–0).

Senator Kerr offers a motion the bill, as amended, be re–referred to the **Appropriations Committee**, which motion prevails. The Chair orders the bill, as amended, engrossed and re–referred to the **Appropriations Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Education/Higher Education Committee**:

S.B. 15, a bill to clarify the statutes so as to streamline the operations of the State education agency, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended, and the proposed Committee Substitute bill 1710, which changes the title to read **S.B. 15** (Committee Substitute), a bill to further streamline the statutes so as to clarify the Constitutional role of the State Board of Education, is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Tuesday, May 9, for further consideration.

S.B. 940, a bill to enact the Charter School Act of 1995, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended, and the proposed Committee Substitute bill 8635 is placed before the Senate for immediate consideration, and on her further motion is adopted.

On motion of Senator Winner, the Committee Substitute bill is placed on the Calendar for Tuesday, May 9, for further consideration.

S.B. 701, a bill to prohibit the State Board of Education from adopting or enforcing any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for students who are identified as learning disabled in the area of mathematics, and to direct the State Board of Education to suspend the application of this rule to these students, with a favorable report.

S.B. 967, a bill to establish a pilot program to permit community colleges to use inmate labor for capital construction projects, with a favorable report, as amended.

S.B. 1078, a bill to authorize local boards of education to have materials posted to educate students about the moral, ethical, and virtuous principles of the world's religions and the great philosophers of civilization, with a favorable report, as amended.

CALENDAR (Continued)

S.B. 752, a bill to clarify the authority of counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district and to allow under certain circumstances the maintenance of public roads lying outside the district.

The Chair rules the measure requires a call of the roll.

The bill passes its second reading by roll–call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Jordan, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Simpson, Soles, Speed, Warren, and Winner—42.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, May 9, for further consideration upon third reading.

S.B. 772, a bill to remove the sunset from the Office of Administrative Hearings Mediation Program.

The bill passes its second (44–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 833, a bill to require that vehicles making frequent stops on highways be equipped with flashing amber lights.

The bill passes its second (40–6) and third readings and is ordered sent to the House of Representatives by special messenger.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

S.B. 836, a bill to enhance parental support of children by amending the law pertaining to civil actions to establish paternity.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 839, a bill to provide for graduated motor vehicles drivers licenses as recommended by the North Carolina Child Fatality Task Force.

With unanimous consent, on motion of Senator Allran, the bill is re–referred to the **Finance Committee**.

S.B. 843, a bill to revise the statutes regarding antitrust law to ensure that these provisions are internally consistent and consistent with federal antitrust laws.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (43–3) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 846, a bill to establish an advance instruction for mental health treatment.

The bill passes its second (42–4) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 858 (Committee Substitute), a bill to clarify the law regarding contracts for school administrators.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (45–0).

The Committee Substitute bill, as amended, passes its second (40–6) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 864, a bill to require adult care homes to submit annual audited reports of actual costs and to require the Department of Human Resources to adopt rules to ensure quality of care in adult care homes.

Senator McDaniel offers Amendment No. 1.

With unanimous consent, on motion of Senator Cochrane, further consideration of the bill is postponed until Tuesday, May 9, with Amendment No. 1 pending.

S.B. 865, a bill to amend the State laws regarding the purchase of a handgun to conform to the requirements of the "Brady Handgun Violence Prevention Act."

The bill passes its second (43–3) and third readings and is ordered sent to the House of Representatives by special messenger.

PAGES

The President recognizes the following pages serving in the Senate this week:

Kelly Annette Allen, Lumberton; Heather Brooke Blackledge, Gastonia; Curtis Boone, Raleigh; Carrie Olivia Bourke, Raleigh; Jennifer Nicole Bradshaw, Benson; Dana Renee Copeland, Fayetteville; Shaleah Nicole Copeland, Fayetteville; Matthew Rodney Cordell, Hendersonville; Cameron Lee Farmer, Yanceyville; Robin DeVane Henry, Raleigh; Bradford Williams Jackson, Washington; Hillarie Wood Johnson, Benson; James Richard Jones III, Washington; William George Laxton Jr., Raleigh; Courtney Markham, Elizabeth City; Hilari Ashlea Morris, Fayetteville; Jonathan L. Parsons, Winston-Salem; Michelle Renae Poteat, Burlington; Renita Nichelle Richmond, Burlington; and Kacey Lynn Smith, Elizabeth City.

With unfinished business remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Allran, the Senate adjourns at 8:45 P.M. to meet tomorrow, Tuesday, May 9, at 2:00 P.M.

SIXTIETH DAY

SENATE CHAMBER,
Tuesday, May 9, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, Holy Scripture teaches 'Do your best to present yourself to God as one approved by Him, a worker who has no need to be ashamed, rightly explaining the Word of Truth.'

"In our work, O God, keep us from wrangling over semantics when the greater good is at stake. Instead, help us to exhibit workmanship as You have defined it—the kind in which the character of the work and the character of the worker have become inseparably Godlike and good.

"Help each of us to that end today, we pray. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Smith due to hospitalization.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, May 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Robert M. Palmer of Tryon, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 7 (Senate Committee Substitute), an act to clarify the Statutes so as to streamline the operations of the State education agency. (Ch. 72)

H.B. 214, an act to revise and consolidate the Charter of the Town of Tarboro. (Ch. 73)

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 541, a bill to provide for review of the Director of Social Services' decisions not to file abuse, neglect, or dependency petitions and to make clarifying changes

to the law governing investigations of reports of abuse, neglect, and dependency, with a favorable report.

S.B. 939, a bill to amend the occupational disease, illness, and injury reporting law, with a favorable report.

S.B. 818, a bill to establish a Birth Defects Monitoring Program in the Department of Environment, Health, and Natural Resources, with a favorable report, as amended.

S.B. 502, a bill to establish the licensing and registration of assisted living facilities and to replace the archaic term "domiciliary" care with the term "adult" care, with a favorable report, as amended.

INTRODUCTION OF RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Martin of Guilford, Basnight, Soles, Perdue, Jordan, Shaw, Sawyer, Dannelly, Kincaid, Ballantine, Cochrane, Kerr, Conder, Warren, Rand, Plyler, Odom, Hartsell, Cooper, Gulley, Allran, Lucas, Winner, Albertson, Carrington, Blackmon, McKoy, Hoyle, East, Webster, Clark, Horton, Martin of Pitt, Forrester, Little, Davis, Foxx, Ledbetter, and Hobbs:

S.J.R. 1096, a joint resolution honoring the life and memory of Mary Frances Powell Seymour, former member of the General Assembly.

With unanimous consent, on motion of Senator Martin of Guilford, the joint resolution is placed on the Calendar for consideration for Wednesday, May 31.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 69, a bill to allow the Town of Beech Mountain to make street assessments without first receiving a petition.

Referred to **Finance Committee**.

H.B. 97, a bill to remove the sunset on reverse mortgages.

Referred to **Commerce Committee**.

H.B. 134 (Committee Substitute), a bill to make technical and clarifying changes to the motor vehicle laws and other laws concerning the Department of Transportation.

Referred to **Judiciary I/Constitution Committee**.

H.B. 337, a bill to provide for controlled access community fishing licenses in Transylvania County.

Referred to **Finance Committee**.

H.B. 434 (Committee Substitute), a bill to limit, to modify, and enhance the attempting to elude arrest statutes.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 463 (Committee Substitute), a bill to direct the Administrative Office of the Courts to investigate and report on the number of equitable distribution cases pending across the State and the reasons for delays in disposition of the cases.

Referred to **Judiciary I/Constitution Committee.**

H.B. 470, a bill to make a technical correction to the New Bern civil service provisions for police to delete old repealed material inadvertently appearing in a 1993 rewrite.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 491 (Committee Substitute), a bill to provide for the reexamination by the Environmental Management Commission of the classification of certain water supply watersheds that meet the standards of more than one classification and to reclassify those watersheds accordingly.

Referred to **Agriculture/Environment/Natural Resources Committee.**

H.B. 496 (Committee Substitute), a bill to create an offense of communicating threats to a school bus driver and assaulting a school bus driver and other school personnel.

Referred to **Judiciary I/Constitution Committee.**

H.B. 498, a bill to amend the Charter of the City of Charlotte with respect to the disposition of real property to persons of low or moderate income.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 507 (Committee Substitute), a bill to provide that the laws relating to motor vehicles apply on streets owned by the Colington Harbour Association, Inc., in Dare County.

Referred to **Transportation Committee.**

H.B. 575 (Committee Substitute), a bill to remove the Town of Kernersville's local modifications to G.S. 58–84–35, formerly G.S. 118–7.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 583 (Committee Substitute), a bill relating to the Alamance County Public Law Library.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 603 (Committee Substitute), a bill to remove the sunset on the authorization for Alamance County to enter into a contract to repair the Alamance County Courthouse and to provide that the County of Edgecombe may use the design/build delivery system for the construction of a county detention facility.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 615 (Committee Substitute), a bill to redefine the corporate limits of the Town of Stanfield.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 718, a bill to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund.

Referred to **Appropriations Committee.**

H.B. 751, a bill to allow a contract between a real estate broker and a real estate salesman to include a provision to reimburse the real estate broker for the cost of including the salesman under the broker's workers' compensation coverage of the broker's business.

Referred to **Commerce Committee.**

H.B. 903, a bill to modify the time limit within which motor vehicle manufacturers and distributors may audit and chargeback dealers for warranty repairs.

Referred to **Commerce Committee.**

REPORTS TO GENERAL ASSEMBLY

Agencies directed to report to the General Assembly submit reports (*See Addendum*) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 769, Section 25.3 of the 1993 Session Laws, the North Carolina Department of Human Resources submits its final report for the Thomas S. Program; and

Pursuant to Chapter 321, Section 208(e) of the 1993 Session Laws, the North Carolina Department of Human Resources and the North Carolina Department of Public Instruction submit their Report to the Governor and the General Assembly on the Willie M. Program 1994–1995.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Commerce Committee:**

S.B. 899, a bill to provide that certain financial institutions' records are confidential, with a favorable report.

S.B. 1015, a bill to change the definition of "developer" for purposes of the time share act, with a favorable report.

S.B. 1017, a bill to change the name of the Board of Medical Examiners of the State of North Carolina to the North Carolina Medical Board and to make conforming changes throughout the General Statutes, with a favorable report.

S.B. 1021, a bill to clarify that home health agencies are restricted to serving patients within their service area, to sunset this restriction in two years, and to

require the Health Planning Commission to determine whether to recommend the restriction be continued, with a favorable report.

S.B. 1042, a bill to make various amendments regarding guaranteed energy savings contracts in order to enhance the viability of guaranteed energy savings contracts by local governmental units and to repeal the sunset for local governmental units to enter into these contracts, with a favorable report.

S.B. 1084, a bill to amend Article 2 of Chapter 119 of the General Statutes regarding the regulation of rerefined or reprocessed oil, with a favorable report.

S.B. 1086, a bill to allow banks to make loans secured by shares of its own stock or that of its parent holding company under certain circumstances, with a favorable report.

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 929, a bill to make various amendments to the North Carolina Rules of Civil Procedure regarding service of process and depositions in a foreign country and the determination of foreign law to be applied in certain civil actions, with a favorable report.

S.B. 855, a bill to authorize public hospitals to develop preferred provider organizations, health maintenance organizations, and managed care products with providers and insurers, with a favorable report.

S.B. 792, a bill to provide that the forfeiture roll for bail bonds ordered forfeited in the district court may be heard in the district court, with a favorable report.

S.B. 33, a bill to give the District Court concurrent jurisdiction with the Superior Court to accept a plea of guilty or no contest to a Class F, G, H, or I felony with the consent of the State and the defendant, with a favorable report, as amended.

CALENDAR

Pursuant to the motion prevailing on Monday, May 8, all measures ordered sent to the House of Representatives are sent by special messenger.

Bills on the Calendar carried forward as unfinished business from Monday, May 8, are taken up and disposed of, as follows:

S.B. 871, a bill to provide for the appointment and assignment of emergency recall judges of the Court of Appeals.

The bill passes its second (48–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 873 (Committee Substitute), a bill to clarify and simplify the public notice requirements for the rezoning of property.

The Committee Substitute bill passes its second reading (35–11).

Senator Gulley objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Wednesday, May 10, for further consideration upon third reading.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

S.B. 884, a bill to allow the preparation of fire sprinkler planning and design drawings by a licensed fire sprinkler contractor under the Engineering and Land Surveying Act.

The bill passes its second (36–13) and third readings and is ordered sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 975, a bill to authorize the deposit of tobacco assessment funds with the North Carolina Tobacco Foundation, with a favorable report.

S.B. 1001, a bill to clarify the applicability of the Beach Access Program to projects designed to provide access to coastal waters, with a favorable report.

S.B. 1041, a bill to establish the minimum streamflow in the length of the stream affected by certain dams operated by small hydroelectric power producers and to provide that the minimum streamflows thus specified are the policy of the State for such dams, whether or not a particular dam is subject to the Dam Safety Law of 1967, with a favorable report.

S.B. 1046, a bill to remove certain property from the State Nature and Historic Preserve and to authorize the deletion of various properties from the State Parks System, with a favorable report.

S.B. 974, a bill to require a person who performs the land application of agriculture waste to be certified as a water pollution control systems operator, with a favorable report, as amended.

S.B. 1080, a bill to place certain restrictions on the siting of swine operations, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Committee Substitute bill 2641, which changes the title to read **S.B. 1080** (Committee Substitute), a bill to place certain restrictions on the siting of swine houses and lagoons, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, May 10, for further consideration.

By Senator Parnell for the **Commerce Committee:**

S.B. 570, a bill to facilitate extension of a certain interstate natural gas pipeline by exempting generation served by that pipeline from regulation as a public utility, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the proposed Committee Substitute bill A649, which changes the title to read **S.B. 570** (Committee Substitute), a bill to direct the Joint Legislative Utility Review Committee to study whether the extension of an interstate natural gas pipeline should be encouraged by exempting generation facilities served by that pipeline from regulation as public utilities, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 999, a bill to increase the cost limit on work that can be performed by governmental force account labor, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 4623 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

On motion of Senator Parnell, the Committee Substitute bill is placed on the Calendar for Wednesday, May 10, for further consideration.

CALENDAR (Continued)

S.B. 591 (Committee Substitute), a bill to establish a license for customer service representatives, to establish a temporary license, and to make conforming changes to the law that governs the licensing and continuing education requirements of insurance agents and brokers, on today's Calendar.

With unanimous consent, on motion of Senator Plyler, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is re-referred to the **Finance Committee** and upon a favorable report, re-referred to **Appropriations Committee.**

The President Pro Tempore relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

COMMITTEE REFERRAL RECALLS

S.B. 632, a bill to amend the vital records law, referred to **Judiciary I/Constitution Committee** on April 11.

Senator Perdue offers a motion the bill be taken from the **Appropriations Committee** and placed on the Calendar for Wednesday, May 10, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and places it on the Calendar for Wednesday, May 10, for consideration upon its passage.

S.B. 706, a bill to authorize Cabarrus County to establish an Aid to Families with Dependent Children (AFDC) and Food Stamp Workfare Pilot Program and an Adjunct Demonstration Program modifying the JOBS program, as amended by the **Children and Human Resources Committee** and referred to the **Appropriations Committee** on May 3.

Pursuant to Rule 47(b), Senator Perdue offers a motion the bill, as amended, be taken from the **Appropriations Committee** and placed on the Calendar for Wednesday, May 10, which motions prevail with unanimous consent.

The Chair orders the bill, as amended, recalled from the **Appropriations Committee** and places it on the Calendar for Wednesday, May 10, for consideration upon its passage.

S.B. 1062, a bill to appropriate funds for new human resources services, referred to the **Appropriations Committee** on May 4.

Pursuant to Rule 47(b), Senator Perdue offers a motion the bill be taken from the **Appropriations Committee** and re-referred to the **Children and Human Resources Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and refers the measure to the **Children and Human Resources Committee.**

S.B. 1063, a bill to appropriate funds for human resources services, referred to the **Appropriations Committee** on May 4.

Pursuant to Rule 47(b), Senator Perdue offers a motion the bill be taken from the **Appropriations Committee** and re-referred to the **Children and Human Resources Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and refers the measure to the **Children and Human Resources Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

S.B. 312, a bill to allow an insanity hearing for a defendant found not guilty by reason of insanity to be held in the same county as the respondent's trial was held, with a favorable report.

S.B. 338, a bill to provide that the Governor may fill district court vacancies by appointment of any licensed attorney who is a resident of the district, with a favorable report.

S.B. 395, a bill to allow for concurrent jurisdiction between the district and superior courts for disposition of certain felonies, with a favorable report.

S.B. 597, a bill to provide that a defendant who is convicted of a drug trafficking conspiracy is not eligible for intermediate sanctions under the structured sentencing act, with a favorable report.

S.B. 725, a bill to exempt Richmond County from certain restrictions relating to the sale of hospital facilities to nonprofit corporations, with a favorable report.

S.B. 754, a bill to allow motor vehicle dealers to include in their possessory liens amounts for rental of substitute vehicles and to allow lienors who purchase for value at a sale to acquire clear title to the same extent as other purchasers, with a favorable report.

S.B. 813, a bill to change the name of the chief of the county election staff from "supervisor of elections" to "director of elections," with a favorable report.

S.B. 862, a bill to provide an exception to the law voiding forum selection provisions in contracts by validating actions commenced pursuant to such provisions with the consent of all parties to the contract, with a favorable report.

S.B. 961, a bill to provide for nonpartisan election of trial judges in their districts, and to provide for nonpartisan election of appellate judges, with a favorable report.

S.B. 783, a bill provide for the forfeiture of property owned by persons participating in nuisances on the property involving the sale or use of narcotic drugs, with a favorable report, as amended.

CALENDAR (May 8 Unfinished Business Continued)

S.B. 301, a bill relating to managed care operations, on today's Calendar.

With unanimous consent, on motion of Senator Parnell, the bill is taken up out of its regular order of business, and on his further motion, the bill is recommitted to the **Pensions and Retirement/Insurance/State Personnel Committee.**

S.B. 918, a bill to permit the State Board of Education to authorize the emergency closing of individual schools.

With unanimous consent, the bill is taken up out of its regular order of business.

The bill passes its second (45–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 890, a bill to amend the definition of cardiac rehabilitation program and to make conforming changes to the law governing cardiac rehabilitation programs.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 919, a bill to permit a motor vehicle dealer to name a successor to the franchise and to require that objections to this appointment be raised at the time the appointment is made.

On motion of Senator Speed, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46–1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 922, a bill to provide additional educational and career opportunities for teacher assistants.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (47–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 616, a bill to make it a felony to maim, to seriously injure, or to kill a law–enforcement animal, with a favorable report.

By Senator Rand for the **Rules and Operation of the Senate Committee:**

S.B. 691, a bill to appoint persons to various public offices upon the recommendation of the President *Pro Tempore* of the Senate, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rand, the rules are suspended, and the proposed Committee Substitute bill 9629 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Wednesday, May 10, for further consideration.

S.B. 126, a bill to create the long–term care subcommittee and to provide for the creation of other subcommittees of the North Carolina Study Commission on Aging and to make changes to the long–term care law, with a favorable report.

S.J.R. 213, a joint resolution supporting North Carolina's participation in a Conference of the States, with a favorable report.

S.B. 349, a bill to revise the membership of the Housing Coordination and Policy Council, with a favorable report.

S.B. 452, a bill to require that former legislators wait two years before serving on the Board of Governors of the University of North Carolina, with a favorable report.

S.B. 828, a bill to make appointments to various commissions upon the recommendation of the President of the Senate, with a favorable report.

H.B. 627, a bill relating to the employment preference given by Catawba County to veterans who apply for county employment, with a favorable report.

S.B. 901, a bill to provide parity between the President *Pro Tempore* and the Speaker by having certain appointments made by or upon the recommendation of the President *Pro Tempore* of the Senate rather than the President of the Senate, with a favorable report, as amended.

By Senator Sherron for the **Finance Committee:**

S.B. 642, a bill to update the fee structure of the North Carolina Board for Social Work, with a favorable report.

S.B. 737 (Committee Substitute), a bill to require that counties pay their local share of public assistance program benefits by electronic funds transfer, as written by the **Judiciary I/Constitution Committee,** with a favorable report.

S.B. 886, a bill to amend the hospital cooperation act regarding cooperative agreements, with a favorable report, as amended.

S.B. 798, a bill authorizing sanitary districts to provide streets and law enforcement services, with an unfavorable report as to bill as amended by the **Judiciary II/Election Laws Committee,** but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill 5637, which changes the title to read **S.B. 798** (Committee Substitute), a bill authorizing sanitary districts to provide streets and law enforcement services and allowing small sanitary districts to compensate board members in the same manner as large sanitary districts, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, May 10, for further consideration.

CALENDAR (Continued)

Bills placed on the Calendar for today are taken up and disposed of, as follows:

S.B. 270, a bill to authorize the City of Shelby to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Conder, Cooper, Dannelly, Davis, Edwards, Foxx, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—40.

Voting in the negative: Senators Ballance, East, Forrester, Gulley, McDaniel, and Page—6.

The bill is ordered sent to the House of Representatives by special messenger.

S.B. 364, a bill to authorize Columbus County to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Carrington, Cooper, Dannelly, Davis, Edwards, Foxx, Gulley, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—37.

Voting in the negative: Senators Ballantine, Clark, East, Forrester, McDaniel, Page, and Webster—7.

The bill is ordered sent to the House of Representatives by special messenger.

RECONSIDERATION

S.B. 632, a bill to amend the vital records law, with a motion prevailing earlier today to withdraw the bill from the **Appropriations Committee** and place on the Calendar for Wednesday, May 10.

The Chair advises the Senate, the measure was referred to the **Judiciary I/ Constitution Committee** on April 11.

Consequently, Senator Perdue offers a motion that the vote by which the motion prevailed to recall the bill from the **Appropriations Committee** and place it on the Calendar for Wednesday, May 10, be reconsidered, which motion prevails.

The bill remains in the **Judiciary I/Constitution Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 632, a bill to amend the vital records law, with a favorable report.

CALENDAR (Continued)

S.B. 556, a bill to specify how the proceeds of the Burke occupancy tax shall be divided between the two purposes for which they may be used, upon third reading.

The bill passes its third reading (44–1) and is ordered sent to the House of Representatives by special messenger.

S.B. 681, a bill to modify the purposes for which Greensboro may use the proceeds of its local occupancy tax, as amended, upon third reading.

The bill, as amended, passes its third reading (44–1) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 712, a bill to authorize the City of Durham and Durham County to apply to the Superior Court for compensatory and punitive damages in cases where intentional discrimination is found in employment practices and to authorize parties to elect between having a hearing in Superior Court or before the enforcement agency, upon third reading.

The bill passes its third reading (39–3) and is ordered sent to the House of Representatives by special messenger.

S.B. 264, a bill to revive the Charter of the Town of Bethania, for concurrence in House Amendment No. 1, upon third reading.

Receiving a three–fifths affirmative majority vote, the Senate concurs in House Amendment No. 1 on its third reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly,

Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 293, a bill to permit the importation and bottling of spirituous liquor within foreign trade zones located at the Wilmington and Morehead City Ports, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Conder, Cooper, Dannelly, Davis, East, Gulley, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—38.

Voting in the negative: Senators Clark, Cochrane, Forrester, Foxx, Hartsell, McDaniel, Page, and Plexico—8.

The bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 752, a bill to clarify the authority of counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district and to allow under certain circumstances the maintenance of public roads lying outside the district, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives by special messenger.

S.B. 15 (Committee Substitute), a bill to further streamline the statutes so as to clarify the Constitutional role of the State Board of Education.

The Committee Substitute bill passes its second (45-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 174 (Committee Substitute), a bill to provide for notification to owners and residents of land adjoining land on which a pesticide is applied by aerial application of the aerial application of the pesticide.

Senator Kerr rises to a point of order as to consideration by the **Finance Committee** pursuant to Rule 42(b). The point of order is sustained by the Chair.

Consequently, with unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 320, a bill to be known as the North Carolina Uniform Custodial Trust Act and to make conforming amendments to the power of attorney statutes, as recommended by the General Statutes Commission.

On motion of Senator Gulley, Committee Amendments No. 1 and No. 2 are adopted.

Senator Cooper offers Amendment No. 3 which is adopted (45–1).

Senator Cooper offers Amendment No. 4 which is adopted (42–3).

The bill, as amended, passes its second reading (35–11).

Senator Kerr objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the bill, as amended, placed on the Calendar for tomorrow, Wednesday, May 10, for further consideration upon third reading.

S.B. 990, a bill to provide for more effective administrative permit review under the Coastal Area Management Act, on today's Calendar.

With unanimous consent, on motion of Senator Rand, the bill is taken up out of its regular order of business, and on his further motion, consideration of the bill is postponed until Wednesday, May 10.

S.B. 423, a bill to establish a State Vocational Rehabilitation/Independent Living Program for People With Disabilities.

The bill passes its second (44–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 484 (Committee Substitute), a bill to allow the Division of Motor Vehicles to provisionally restore the drivers license of a person convicted of habitual impaired driving after five years.

With unanimous consent, on motion of Senator Speed, the Committee Substitute bill is recommitted to the **Judiciary I/Constitution Committee.**

S.B. 499, a bill to allow the payment of additional benefits to Rescue and Emergency Medical Services workers.

The bill passes its second (40–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 558, a bill to provide for expedited eviction of persons engaged in drug–related criminal activity and other criminal activity that threatens the health, safety, or peaceful enjoyment of rental property.

Senator Odom offers Amendment No. 1 which proposes to change the title to read **S.B. 558**, a bill to provide for expedited eviction of persons engaged in drug–related criminal activity and other criminal activity that threatens the health, safety, or peaceful enjoyment of rental property in some areas of the State.

On motion of Senator Odom, the Chair orders, without objection, the bill temporarily displaced, with Amendment No. 1 pending.

WITHDRAWAL FROM CALENDAR

S.B. 873 (Committee Substitute), a bill to clarify and simplify the public notice requirements for the rezoning of property, placed on the Calendar for Wednesday, May 10.

Senator Gulley offers a motion the Committee Substitute bill be taken from the Calendar for Wednesday, May 10, and placed before the Senate for further consideration upon third reading, which motions prevail with unanimous consent.

The Chair orders the Committee Substitutue bill taken from the Calendar for Wednesday, May 10, and places it on the Calendar for today for further consideration upon third reading.

CALENDAR (Continued)

S.B. 559 (Committee Substitute), a bill to increase the penalties for a drug offense that occurs in a drug–free public housing zone, to provide that acceptance of rent by a housing authority is not a waiver of default, to authorize housing authorities to govern entry upon housing authority property by guests and visitors, and to make it a crime to trespass on public housing authority property.

On motion of Senator Odom, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

COMMITTEE REFERRAL RECALL

S.B. 598, a bill to enact local legislation for Scotland County, referred to the **Rules and Operation of the Senate Committee** on April 6.

Pursuant to Rule 47(b), Senator Rand offers a motion the bill be taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Rules and Operation of the Senate Committee** and refers the measure to the **Finance Committee.**

CALENDAR (Continued)

S.B. 701, a bill to prohibit the State Board of Education from adopting or enforcing any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for students who are identified as learning disabled in the area of mathematics, and to direct the State Board of Education to suspend the application of this rule to these students.

The bill passes its second (37–9) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 558, a bill to provide for expedited eviction of persons engaged in drug–related criminal activity and other criminal activity that threatens the health, safety, or peaceful enjoyment of rental property, temporarily displaced earlier, with Amendment No. 1 pending.

With unanimous consent, Senator Odom withdraws Amendment No. 1.

The bill passes its second reading (43–2).

Senator Parnell objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Wednesday, May 10, for further consideration upon third reading.

S.B. 559 (Committee Substitute), a bill to increase the penalties for a drug offense that occurs in a drug–free public housing zone, to provide that acceptance of rent by a housing authority is not a waiver of default, to authorize housing authorities to govern entry upon housing authority property by guests and visitors, and to make it a crime to trespass on public housing authority property, temporarily displaced earlier.

Following debate, with unanimous consent, on motion of Senator Odom, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

S.B. 873 (Committee Substitute), a bill to clarify and simplify the public notice requirements for the rezoning of property, placed earlier today on the Calendar for Wednesday, May 10, and subsequently withdrawn and placed on today's Calendar upon third reading, for further consideration.

Senator Gulley offers Amendment No. 1 which is adopted (44–0).

The Committee Substitute bill, as amended, passes its third reading (43–0) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 771 (Committee Substitute), a bill to clarify the status of independent contractors of public hospitals.

The Committee Substitute bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 864, a bill to require adult care homes to submit annual audited reports of actual costs and to require the Department of Human Resources to adopt rules to ensure quality of care in adult care homes, with Amendment No. 1 pending.

With unanimous consent, Senator McDaniel withdraws Amendment No. 1.

Senator Cochrane offers Amendment No. 2 which is adopted (45–0).

The bill, as amended, passes its second (46–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 874, a bill to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources and related laws.

The bill passes its second (45–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 940 (Committee Substitute), a bill to enact the Charter Schools Act of 1995.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (37–3).

Senator Horton offers Amendment No. 2. Senator Gulley calls the previous question, seconded by Senator Rand. Senator Horton rises to a point of order as to the Chairman of the Committee recommending the measure qualified to call the previous question on an amendment offered from the floor. The Chair rules, pursuant to Rule 23, Senator Gulley's call of the previous question in order and the call is sustained (38–7). Amendment No. 2 fails of adoption (16–30).

Senator Martin of Guilford offers Amendment No. 3.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Hobbs.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Amendment No. 3 is adopted (43–2).

Senator Gulley calls the previous question, seconded by Senator Simpson. The call is sustained (41–4).

The Committee Substitute bill, as amended, passes its second reading (39–6).

Senator Dannelly objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill, as amended, placed on the

Calendar for tomorrow, Wednesday, May 10, for further consideration upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 971, a bill to amend the Constitution of North Carolina to provide for gubernatorial appointment of justices and judges of the General Court of Justice and retention by vote of the people, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill A645, which changes the title to read **S.B. 971** (Committee Substitute), a bill to amend the Constitution of North Carolina to provide for gubernatorial appointment of Justices of the Supreme Court and Judges of the Court of Appeals and retention by vote of the people, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, May 10, for further consideration.

S.B. 57 (Committee Substitute), a bill to implement the recommendations of the Legislative Research Commission's Committee on Alcoholic Beverage Control and to make other changes in the ABC laws, with an unfavorable report as to Committee Substitute bill as written by the **Judiciary I/Constitution Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill No. 2, 7672, is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, May 10, for further consideration.

S.B. 528, a bill to establish mediated settlement conferences in civil actions in superior court, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 3654, which changes the title to read **S.B. 528** (Committee Substitute), a bill to establish the mediated settlement conferences in civil actions in superior court, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted, and on his further motion, the Committee Substitute bill is placed on the Calendar for Wednesday, May 10, for further consideration.

S.B. 402, a bill to strengthen the domestic violence law by requiring domestic violence order to be accessible by computer, to allow the judge issuing the order to require seizure of firearms and prohibit possession of firearms, and make it a

Class H felony for any person subject to a domestic violence order to purchase or possess any firearm, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 3655 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Wednesday, May 10, for further consideration.

S.B. 793, a bill to provide for the release of pharmacy records for the purpose of obtaining reimbursement, to define "State or Local Law Enforcement Agency" under the controlled substance tax, to provide regulation of locations shipping, mailing, or delivering devices or medical equipment to North Carolina residents, to conform the North Carolina product selection law to Medicaid requirements, and to allow investigative employees of the North Carolina Board of Pharmacy to carry firearms and to require these employees to complete a training program for the use of firearms, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 2642, which changes the title to read **S.B. 793** (Committee Substitute), a bill to provide for the release of pharmacy records for the purpose of obtaining reimbursement and to provide regulation of locations shipping, mailing, or delivering devices or medical equipment to North Carolina residents, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Wednesday, May 10, for further consideration.

S.B. 181, a bill exempting Columbus County Hospital, Inc., from certain rules and regulations of the Local Government Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill A648, which changes the title to read **S.B. 181** (Committee Substitute), a bill permitting a portion of the income received by public hospitals from a charitable trust to be invested as assets of the trust could be invested, is placed before the Senate for immediate consideration.

The Chair rules the Committee Substitute bill changes the local bill to a public bill.

On motion of Senator Cooper, the Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Wednesday, May 10, for further consideration.

S.B. 775, a bill to define clients eligible for "Willie M." services, to authorize the adoption of rules to determine eligibility, to ensure the provision of services, and to provide for contested case hearing provision, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 1713 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Wednesday, May 10, for further consideration.

CALENDAR (Continued)

S.B. 967, a bill to establish a pilot program to permit community colleges to use inmate labor for capital construction projects.

On motion of Senator Winner, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second (46–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1023, a bill to amend the procedure for obtaining an interbasin transfer permit.

Senator Cochrane offers Amendment No. 1 which is adopted (44–1).

The bill, as amended, passes its second reading (46–0).

Senator Cochrane objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the bill, as amended, placed on the Calendar for tomorrow, Wednesday, May 10, for further consideration upon third reading.

S.B. 1078, a bill to authorize local boards of education to have materials posted to educate students about the moral, ethical, and virtuous principles of the world's religions and the great philosophers of civilization.

On motion of Senator Lucas, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (40–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

H.B. 213 (Committee Substitute), a bill concerning the collection of delinquent truck penalties and assessed taxes and the consolidation of the various provisions concerning overweight vehicles.

With unanimous consent, on motion of Senator Rand, consideration of the Committee Substitute bill is postponed until Monday, May 15.

S.B. 81, a bill to enact the revised Article 3 of the Uniform Commercial Code and conforming and miscellaneous amendments to Articles 1 and 4 of the Uniform Commercial Code, as recommended by the General Statutes Commission, as amended, upon third reading.

The bill, as amended, passes its third reading (39–1) and is ordered engrossed and sent to the House of Representatives by special messenger.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

S.B. 362 (Committee Substitute), a bill relating to appointments to the Sheriffs' Education and Training Standards Commission, amending the laws relating to the powers of and appeals before the Sheriffs' Education and Training Standards Commission, and otherwise pertaining to Chapter 17E of the General Statutes, upon third reading.

Senator Shaw offers Amendment No. 1 which proposes to change the title to read **S.B. 362** (Committee Substitute), a bill relating to appointments to the

Sheriffs' Education and Training Standards Commission, amending the laws relating to the powers of and appeals before the Sheriffs' Education and Training Standards Commission, and otherwise pertaining to Chapter 17E of the General Statutes and providing that the sheriff of a county may fill vacant deputy positions notwithstanding a county hiring freeze.

Pursuant to Rule 57.1, Senator Rand rises to a point of order as to the germaneness of Amendment No. 1. The Chair takes the point of order under advisement. With unanimous consent, Senator Shaw withdraws Amendment No. 1.

The Committee Substitute bill passes its third reading (45–0) and is ordered sent to the House of Representatives by special messenger.

S.B. 501, a bill to require the parents of a dependent child who is the parent of a dependent child to contribute to the support of their grandchild, as amended, upon third reading.

Senator Ballance offers Amendment No. 2 which fails of adoption (14–30).

The bill, as amended, passes its third reading (44–1) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 687 (Committee Substitute), a bill to provide for improvement permits for sewage disposal systems, upon third reading.

The Committee Substitute bill passes its third reading (43–2) and is ordered sent to the House of Representatives by special messenger.

On motion of Senator Basnight, seconded by Senator Dannelly, the Senate adjourns at 6:57 P.M. to meet tomorrow, Wednesday, May 10, at 2:00 P.M.

SIXTY-FIRST DAY

SENATE CHAMBER,
Wednesday, May 10, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Most Holy God, in order to gain the attention of those around us, we often rush headlong into the fray—our voices raised, wearing our armour—with ideologies drawn like swords.

"We want the truth to be heard. We want to change the world; have justice as we perceive it prevail! Though there will be times for such battles, teach us that we can be greater agents of change in this world by doing the common things of life in an uncommon and unassuming way. Nothing in life possesses more power of persuasion than that.

"To Your Glory we pray. Amen."

With unanimous consent the President grants leaves of absence for today to Senator Smith due to hospitalization, and to Senator Edwards.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, May 9, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Jonathan Weston of Winston–Salem, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 264, an act to revive the Charter of the Town of Bethania. (Ch. 74)

REPORTS OF COMMITTEES

With unanimous consent on motion of Senator Rand, the rules are suspended, and all bills and resolutions reported from committees are placed on today's Supplemental Calendar.

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Supplemental Calendar for today, as follows:

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee**:

S.B. 487, a bill to provide that the Assistant Adjutant General for the Army National Guard shall serve in the military position of Brigadier General – Line, Deputy, State Area Command (STARC) Commander, with a favorable report.

S.B. 525, a bill to require the State Health Director to prepare a medical and health benefits plan, with a favorable report.

S.B. 880, a bill to provide additional insurance coverage for beach property, with a favorable report.

S.B. 593, a bill to allow alternative investments of irrevocable preneed funeral contract funds, with a favorable report, as amended.

S.B. 821, a bill to amend the definition of preneed funeral funds, with a favorable report, as amended.

S.B. 345, a bill to make substantive changes to the insurance laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill A644 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

S.B. 473, a bill to amend the State Disability Income Plan as it applies to disabled veterans, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 5622 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Supplemental Calendar for today, May 10, for further consideration.

S.B. 519, a bill to encourage the purchase of commodities and services offered by blind and by severely disabled persons, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 8636 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Soles, the Committee Substitute bill is placed on the Supplemental Calendar for today, May 10, for further consideration.

S.B. 694, a bill to amend the law regarding the Goldsboro Firemen's Supplemental Pension Fund, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 6626, which changes the title to read **S.B. 694** (Committee Substitute), a bill to repeal the Goldsboro Firemen's Supplemental Pension Fund, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion, is placed on the Supplemental Calendar for today, May 10, for further consideration.

S.B. 700, a bill to permit patients to select professional licensed counselors as mental health providers under health insurance policies, and to limit the exemption for licensure of counselors, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 4622, which changes the title to read **S.B. 700** (Committee Substitute), a bill to authorize reimbursement for licensed professional counselors under the State Health Plan for mental health and chemical dependency treatment, to limit the exemption for licensure of counselors, and to clarify the definition of "counseling," is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion, is placed on the Supplemental Calendar for today, May 10, for further consideration.

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 872, a bill to support the appointment of families and individuals as guardians, to support the expansion and development of private nonprofit corporations

as guardians, to provide that local departments of social services be the only local human resources agency to serve as guardians, to appropriate funds for guardianship services, and to make other changes, with a favorable report.

On motion of Senator Lucas, the bill is re–referred to the **Pensions and Retirement/Insurance/State Personnel Committee.**

S.B. 914, a bill to provide for the sharing of sick leave between public school employees and State employees subject to the State Personnel Act, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Appropriations Committee.**

S.B. 859, a bill to amend the mental health commitment law, with a favorable report, as amended.

S.B. 1062, a bill to appropriate funds for new human resources services, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lucas, the rules are suspended, and the proposed Committee Substitute bill 3656, which changes the title to read **S.B. 1062** (Committee Substitute), a bill to amend the law regarding the Family Preservation Act to conform to federal requirements and to expand the membership of the Advisory Committee on Family–Centered Services, is placed before the Senate for immediate consideration.

On motion of Senator Lucas, the Committee Substitute bill is adopted, and on her further motion, is placed on the Supplemental Calendar for today, May 10, for further consideration.

S.B. 1063, a bill to appropriate funds for human resources services, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lucas, the rules are suspended, and the proposed Committee Substitute bill 9631, which changes the title to read **S.B. 1063** (Committee Substitute), a bill to amend the mental health commitment law to provide for voluntary commitment of mothers who are substance abusers and their children under the age of three, is placed before the Senate for immediate consideration.

On motion of Senator Lucas, the Committee Substitute bill is adopted, and on her further motion, is placed on the Supplemental Calendar for today, May 10, for further consideration.

By Senator Jordan for the **Local Government and Regional Affairs Committee:**

S.B. 481, a bill to allow the Lenoir County Board of Education to build a central office facility on land leased from the State of North Carolina, with a favorable report.

With unanimous consent, on motion of Senator Jordan, the rules are suspended to the end the bill remains before the Senate for immediate consideration upon its passage.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

H.B. 508, a bill to change the nonpartisan election of the Transylvania County Board of Education from the date of the primary to the date of the general election, with a favorable report.

On motion of Senator Jordan, the rules are suspended to the end the bill remains before the Senate for immediate consideration upon its passage.

The bill passes its second and third readings and is ordered enrolled.

H.B. 662, a bill to change the manner of election of the Martin County Board of Education from nonpartisan election at the time of the primary to nonpartisan election at the time of the general election, with a favorable report.

With unanimous consent, on motion of Senator Jordan, the rules are suspended to the end the bill remains before the Senate for immediate consideration upon its passage.

The bill passes its second and third readings and is ordered enrolled.

H.B. 679, a bill amending the statutory definition of subdivision in Davie County, with a favorable report.

With unanimous consent, on motion of Senator Jordan, the rules are suspended to the end the bill remains before the Senate for immediate consideration upon its passage.

The bill passes its second and third readings and is ordered enrolled.

H.B. 698, a bill relating to the daily deposit of collections and receipts by the City of Greensboro, with a favorable report.

With unanimous consent, on motion of Senator Jordan, the rules are suspended to the end the bill remains before the Senate for immediate consideration upon its passage.

The bill passes its second and third readings and is ordered enrolled.

S.B. 661, a bill relating to the Montgomery County Board of Commissioners, with an unfavorable report as to bill, but favorable as to Committee substitute bill.

On motion of Senator Jordan, the rules are suspended, and the proposed Committee Substitute bill A646, which changes the title to read **S.B. 661** (Committee Substitute), a bill relating to the definition of subdivision in Montgomery County, is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Jordan, the Committee Substitute bill remains before the Senate for further consideration upon its passage.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

H.B. 381 (Committee Substitute No. 2), a bill to grant the Town of Apex and the Town of Mooresville a temporary exemption from the total amount of noncontiguous territory that may be annexed, with a favorable report.

With unanimous consent, on motion of Senator Jordan, the rules are suspended to the end the Committee Substitute bill No. 2 remains before the Senate for immediate consideration upon its passage, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Simpson, Soles, Speed, Warren, Webster, and Winner—43.

Voting in the negative: None.

The Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, May 11, for further consideration, upon third reading.

CALENDAR

With unanimous consent, upon motion of Senator Rand, the rules are suspended to the end consideration of all House bills calendared for today or reported from committee, is postponed until Tuesday, May 16.

Pursuant to the motion prevailing on May 8, all measures ordered sent to the House of Representatives are sent by special messenger.

H.B. 627, a bill relating to the employment preference given by Catawba County to veterans who apply for county employment, on today's Calendar.

Pursuant to the motion of Senator Rand prevailing earlier, consideration of the bill is postponed until Tuesday, May 16.

CROSSOVER DEADLINE

Senator Rand announces, it is agreed by the Senate and House of Representatives that all bills and resolutions passed by the House of Representatives or the Senate on May 11, 1995, and ordered sent to the other Chamber but not read as a message on the floor of either Body, shall be considered to have met the provisions of House Rule 31.1(d) and Senate Rule 41.

With unanimous consent, upon motion of Senator Rand, the rules are suspended to the end messages from the House of Representatives are placed as the last order of business today.

INTRODUCTION OF RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

With unanimous consent, Rule 40 is suspended to allow the introduction of the following joint resolution.

By Senators Rand and Basnight:

S.J.R. 1097, a joint resolution supporting the Republic of China on Taiwan's participation in the United Nations and other international associations.

Pursuant to Rule 43, the joint resolution is ordered held in the Office of the Principal Clerk for referral.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Supplemental Calendar for today, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 1003, a bill to exempt individual retirement accounts, individual retirement annuities, and simplified employees pension/individual retirement accounts from the claims of creditors, with a favorable report.

S.B. 404, a bill to modify the criteria for selection and sentencing to IMPACT, with a favorable report.

CALENDAR (Continued)

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 491, a bill to authorize the Town of Highlands to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 36, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Conder, Cooper, Dannelly, Davis, Foxx, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Shaw, Simpson, Soles, Speed, Warren, and Winner—36.

Voting in the negative: Senators Clark, East, Forrester, Gulley, McDaniel, Page, and Sawyer—7.

The bill is ordered placed on the Calendar for tomorrow, Thursday, May 11, for further consideration upon third reading.

S.B. 536, a bill to authorize the City of Mount Airy to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 36, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cooper, Dannelly, Davis, Foxx, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Simpson, Soles, Speed, Warren, and Winner—36.

Voting in the negative: Senators Clark, East, Forrester, Gulley, McDaniel, and Page—6.

The bill is ordered placed on the Calendar for tomorrow, Thursday, May 11, for further consideration upon third reading.

S.B. 706, a bill to authorize Cabarrus County to establish an Aid to Families with Dependent Children (AFDC) and Food Stamp Workfare Pilot Program and an Adjunct Demonstration Program modifying the JOBS program, as amended.

Senator Hartsell offers Amendment No. 3 which is adopted (43-0).

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 725, a bill to exempt Richmond County from certain restrictions relating to the sale of hospital facilities to nonprofit corporations.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 798 (Committee Substitute), a bill authorizing sanitary districts to provide streets and law enforcement services and allowing small sanitary districts to compensate board members in the same manner as large sanitary districts, upon second reading.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Webster, and Winner—45.

Voting in the negative: Senator McDaniel—1.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, May 11, for further consideration upon third reading.

S.B. 971 (Committee Substitute), a bill to amend the Constitution of North Carolina to provide for gubernatorial appointment of Justices of the Supreme Court and Judges of the Court of Appeals and retention by vote of the people, upon second reading.

Following lengthy debate, upon motion of Senator Odom, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 33, a bill to give the District Court concurrent jurisdiction with the Superior Court to accept a plea of guilty or no contest to a Class F, G, H, or I felony with the consent of the State and the defendant.

On motion of Senator Ballance, the Chair orders, without objection, the bill temporarily displaced.

S.B. 57 (Committee Substitute No. 2), a bill to implement the recommendations of the Legislative Research Commission's Committee on Alcoholic Beverage Control and to make other changes in the ABC laws.

On motion of Senator Conder, the Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

S.B. 126, a bill to create the long–term care subcommittee and to provide for the creation of other subcommittees of the North Carolina Study Commission on Aging and to make changes to the long–term care law.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The bill passes its second (47–0) and third (44–0) readings and is ordered sent to the House of Representatives by special messenger.

S.B. 181 (Committee Substitute), a bill permitting a portion of the income received by public hospitals from a charitable trust to be invested as assets of the trust could be invested.

The Committee Substitute bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.J.R. 213, a joint resolution supporting North Carolina's participation in a Conference of the States.

Senator Gulley offers Amendment No. 1 which is adopted (45–1).

Senator Basnight, President Pro Tempore. relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Senator Rand rises to a point of order as to the exclusion from consideration of the joint resolution under the provisions of Rule 40(b). The Chair rules consideration of the joint resolution is out of order pursuant to Rule 40(b) and sustains the point of order.

With unanimous consent, upon motion of Senator Rand, the joint resolution is recommitted to the **Rules and Operation of the Senate Committee.**

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Supplemental Calendar for today, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee:**

S.B. 717, a bill to require the Moore County Board of Commissioners to redistrict their residency districts, with a favorable report.

H.B. 651 (Committee Substitute), a bill to allow the Town of Nags Head to regulate noise in the Atlantic Ocean and other waterways adjacent to that portion of the Town within its boundaries or within its territorial jurisdiction, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Jordan, the rules are suspended, and the proposed Senate Committee Substitute bill 2170, which changes the title, upon concurrence, to read **H.B. 651** (Senate Committee Substitute), a bill to allow the Towns of Kill Devil Hills, Kitty Hawk, Nags Head, and Southern Shores to regulate noise in the Atlantic Ocean and other waterways adjacent to that portion of the Towns within their boundaries or within their extraterritorial jurisdiction, is placed before the Senate for immediate consideration.

On motion of Senator Jordan, the Senate Committee Substitute bill is adopted, and on his further motion, is placed on the Supplemental Calendar for today, May 10, for further consideration.

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee:**

S.B. 543, a bill to provide that jailers and communicators employed by the Catawba County Sheriff's Department are eligible to receive the benefits afforded to law enforcement officers through the Local Governmental Employees' Retirement System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 9633, which changes the title to read **S.B. 543** (Committee Substitute), a bill to provide that sworn and certified jailers and telecommunicators employed by the Catawba County Sheriff's Department are eligible to receive the benefits afforded to law enforcement officers through the Local Governmental Employees' Retirement System, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Supplemental Calendar for today, May 10, for further consideration.

S.B. 637, a bill relating to the Twenty–Ninth Senatorial District, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 4625, which changes the title to read **S.B. 637** (Committee Substitute), a bill to repeal the Hendersonville Firemen's Supplemental Retirement Fund, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Supplemental Calendar for today, May 10, for further consideration.

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

S.B. 724, a bill to describe circumstances under which an attorney–in–fact may make gifts, as recommended by the General Statutes Commission, with a favorable report.

S.B. 844, a bill to allow optional calendaring of arraignment in superior court, with a favorable report.

S.B. 707, a bill to amend the law relating to the share of after–born or after–adopted children, as recommended by the General Statutes Commission, with a favorable report, as amended.

S.B. 790, a bill to ensure the accessibility of voter registration to in–State individuals entering postsecondary institutions in North Carolina, with a favorable report, as amended.

S.B. 896, a bill to enhance the investigative capabilities of law enforcement in cases of drug trafficking and other serious crimes by permitting the use of electronic surveillance in limited circumstances, with a favorable report, as amended.

S.B. 987, a bill to create the felony offense of continuing criminal enterprise with regard to criminal offenses that are not drug offenses, to create the felony status offense of habitual thief, and to provide that failure of an itinerant merchant to keep a receipt or invoice with certain information indicating the source of the merchant's products and to show the receipt or invoice to a law enforcement officer upon request is *prima facie* evidence that the products are stolen, with a favorable report, as amended.

S.B. 513, a bill to limit the applicability of the antideficiency judgment statute, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 7670 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Gulley, the Committee Substitute bill is placed on the Supplemental Calendar for today, May 10, for further consideration.

CALENDAR (Continued)

S.B. 312, a bill to allow an insanity hearing for a defendant found not guilty by reason of insanity to be held in the same county as the respondent's trial was held.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 338, a bill to provide that the Governor may fill district court vacancies by appointment of any licensed attorney who is a resident of the district.

The bill fails to pass its second reading (16–30) and the measure lies upon the table.

S.B. 349, a bill to revise the membership of the Housing Coordination and Policy Council.

The bill passes its second (42–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 395, a bill to allow for concurrent jurisdiction between the district and superior courts for disposition of certain felonies.

On motion of Senator Rand, the Chair orders, without objection, the bill temporarily displaced.

S.B. 402 (Committee Substitute), a bill to strengthen the domestic violence law by requiring domestic violence order to be accessible by computer, to allow the judge issuing the order to require seizure of firearms and prohibit possession of firearms, and make it a Class H felony for any person subject to a domestic violence order to purchase or possess any firearm.

Senator Simpson offers Amendment No. 1 which is adopted (23–22).

Senator Cooper calls the previous question, seconded by Senator Odom. The call is sustained (44–4).

The Committee Substitute bill, as amended, passes its second reading (34–13).

Senator Webster objects to the third reading of the measure, which objection the Chair rules out of order as not timely offered.

Senator Webster offers a motion the Committee Substitute bill, as amended, be removed from today's Calendar and placed on the Calendar for Monday, May 15, upon third reading. Senator Odom calls the previous question, seconded by Senator Hobbs. The call is sustained (42–6).

The Committee Substitute bill, as amended, passes its third reading (34–14) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 452, a bill to require that former legislators wait two years before serving on the Board of Governors of the University of North Carolina.

The bill passes its second (43–2) and third readings.

Senator Soles requests to be recorded voting "aye" on third reading.

The Chair orders the bill sent to the House of Representatives by special messenger.

S.B. 502, a bill to establish the licensing and registration of assisted living facilities and to replace the archaic term "domiciliary" care with the term "adult" care.

On motion of Senator Lucas, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (39–3) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 528 (Committee Substitute), a bill to establish the mediated settlement conferences in civil actions in superior court.

With unanimous consent, on motion of Senator Soles, the Committee Substitute bill is re–referred to the **Finance Committee.**

S.B. 541, a bill to provide for review of the Director of Social Services' decisions not to file abuse, neglect, or dependency petitions and to make clarifying changes to the law governing investigations of reports of abuse, neglect, and dependency.

The bill passes its second (42–3) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 33, a bill to give the District Court concurrent jurisdiction with the Superior Court to accept a plea of guilty or no contest to a Class F, G, H, or I felony with the consent of the State and the defendant, temporarily displaced earlier.

On motion of Senator Cooper, Committee Amendment No. 1 is adopted.

Senator Ballance offers Amendment No. 2 which is adopted (42–0), changing the title to read **S.B. 33,** a bill to give the district court concurrent jurisdiction with the superior court to accept a plea of guilty or no contest to a Class F, G, H, or I felony with the consent of the presiding district court judge, the State, and the defendant.

The bill, as amended, passes its second (42–1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Supplemental Calendar for today, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 814, a bill to require certain dispositive motions to be accompanied by a memorandum, with a favorable report.

S.B. 242, a bill to amend the North Carolina Nonprofit Corporation Act and to make a conforming amendment to the Business Corporation Act, as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 5639 is placed before the Senate for immediate consideration and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Supplemental Calendar for today, May 10, for further consideration.

S.B. 359, a bill to make it a felony offense to impersonate a law enforcement officer by unlawfully operating a motor vehicle with an operating blue or red light, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 1714 is placed before the Senate for immediate consideration and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Supplemental Calendar for today, May 10, for further consideration.

S.B. 550, a bill to improve the administration of justice and promote judicial economy and efficiency within the Superior Court Division of the General Court of Justice by providing for full eight–year terms of office when vacancies arise and an election is held other than at the expiration of the prior term, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 9628, which changes the title to read **S.B. 550** (Committee Substitute), a bill to improve the administration of justice and promote judicial economy and efficiency within the Superior Court Division of the General Court of Justice by providing for full eight–year terms of office when vacancies arise and an election is held other than at the expiration of the prior term for certain superior court judges, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted, and on his further motion is placed on the Supplemental Calendar for today, May 10, for further consideration.

By Senator Speed for the **Transportation Committee**:

S.B. 988, a bill to provide relief from the weight limitations for recovered materials haulers, with a favorable report.

S.B. 634, a bill to permit the reallocation of the Highway Trust Fund urban loop funds to other transportation improvement program projects and public transportation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the proposed Committee Substitute bill 1715 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

S.B. 760, a bill granting enforcement officers of the Division of Motor Vehicles the authority to assist in the enforcement of laws when a crime has been committed in their presence and to authorize registration plates for their vehicles, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the proposed Committee Substitute bill A651, which changes the title to read **S.B. 760** (Committee Substitute), a bill concerning the powers of law enforcement officers and inspectors of the Division of Motor Vehicles of the Department of Transportation, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Committee Substitute bill is adopted, and on his further motion, is re–referred to the **Finance Committee**.

CALENDAR (Continued)

S.B. 395, a bill to allow for concurrent jurisdiction between the district and superior courts for disposition of certain felonies, temporarily displaced earlier.

With unanimous consent, on motion of Senator Rand, the bill is recommitted to the **Judiciary II/Election Laws Committee**.

S.B. 57 (Committee Substitute No. 2), a bill to implement the recommendations of the Legislative Research Commission's Committee on Alcoholic Beverage Control and to make other changes in the ABC laws, temporarily displaced earlier.

The Committee Substitute bill No. 2 passes its second reading (33–11).

With unanimous consent, the Committee Substitute bill No. 2 remains before the Senate for further consideration upon third reading.

Following debate, Senator Parnell offers a motion the Committee Substitute bill No. 2 be removed from today's Calendar and placed on the Calendar for Thursday, May 11. Senator Conder calls the previous question, seconded by Senator Rand. The call is sustained (31–14).

The Committee Substitute bill No. 2 passes its third reading (29–16) and is ordered sent to the House of Representatives by special messenger.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

S.B. 634 (Committee Substitute), a bill to permit the reallocation of the Highway Trust Fund urban loop funds to other transportation improvement program projects and public transportation, referred to the **Appropriations Committee** earlier today.

Senator Gulley offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and placed on today's Supplemental Calendar, which motion the Chair rules out of order pursuant to the privilege of the Chairman, under Rule 47(b).

S.B. 577, a bill to amend the educational requirements for certified public accountants.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (30–14).

Senator Little objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 11, for further consideration upon third reading.

S.B. 597, a bill to provide that a defendant who is convicted of a drug trafficking conspiracy is not eligible for intermediate sanctions under the structured sentencing act.

The bill passes its second (46–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 616, a bill to make it a felony to maim, to seriously injure, or to kill a law-enforcement animal.

The bill passes its second reading (46–1).

Senator Gulley objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 11, for further consideration upon third reading.

S.B. 632, a bill to amend the vital records law.

The bill passes its second reading (45–0).

Senator Winner objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 11, for further consideration upon third reading.

S.B. 642, a bill to update the fee structure of the North Carolina Board for Social Work.

The bill passes its second (43–3) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 691 (Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the President *Pro Tempore* of the Senate.

The Committee Substitute bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 737 (Committee Substitute), a bill to require that counties pay their local share of public assistance program benefits by electronic funds transfer.

The Committee Substitute bill passes its second (44–2) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 754, a bill to allow motor vehicle dealers to include in their possessory liens amounts for rental of substitute vehicles and to allow lienors who purchase for value at a sale to acquire clear title to the same extent as other purchasers.

The bill passes its second (44–3) and third readings and is ordered sent to the House of Representatives by special messenger.

The President Pro Tempore relinquishes the gavel to the President, Lieutenant Governor Wicker, who presides.

S.B. 775 (Committee Substitute), a bill to define clients eligible for "Willie M." services, to authorize the adoption of rules to determine eligibility, to ensure the provision of services, and to provide for contested case hearing provision.

With unanimous consent, on motion of Senator Allran, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

S.B. 616, a bill to make it a felony to maim, to seriously injure, or to kill a law–enforcement animal, placed earlier today on the Calendar for tomorrow, May 11, upon third reading.

Senator Gulley withdraws his objection to third reading, the Senate reconsiders and the bill is taken from the Calendar for Thursday, May 11, and placed before the Senate for further consideration upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives by special messenger.

S.B. 783, a bill provide for the forfeiture of property owned by persons participating in nuisances on the property involving the sale or use of narcotic drugs.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 632, a bill to amend the vital records law, placed earlier today on the Calendar for tomorrow, May 11, upon third reading.

Senator Winner withdraws her objection to third reading, the Senate reconsiders and the bill is taken from the Calendar for Thursday, May 11, and placed before the Senate for further consideration upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives by special messenger.

S.B. 792, a bill to provide that the forfeiture roll for bail bonds ordered forfeited in the district court may be heard in the district court.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives by special messenger.

COMMITTEE REFERRAL RECALL

S.B. 559 (Committee Substitute), a bill to increase the penalties for a drug offense that occurs in a drug–free public housing zone, to provide that acceptance of rent by a housing authority is not a waiver of default, to authorize housing authorities to govern entry upon housing authority property by guests and visitors, and to make it a crime to trespass on public housing authority property, referred to **Appropriations Committee** on May 9.

Pursuant to Rule 47(b), Senator Plyler offers a motion the Committee Substitute bill be taken from the **Appropriations Committee** and placed on the Supplemental Calendar for today, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Appropriations Committee** and places it on the Supplemental Calendar for today, for consideration upon its passage.

S.B. 742, a bill to authorize the Secretary of the Department of Human Resources to investigate the deaths of certain Thomas S. class members, referred to **Appropriations Committee** on May 8.

Pursuant to Rule 47(b), Senator Plyler offers a motion the bill be taken from the **Appropriations Committee** and placed on the Supplemental Calendar for today, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and places it on the Supplemental Calendar for today, for consideration upon its passage.

RECONSIDERATION

S.B. 783, a bill to provide for the forfeiture of property owned by persons participating in nuisances on the property involving the sale or use of narcotic drugs, as amended, which passed third reading earlier today.

Senator Gulley offers a motion that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails, and the question reverts to passage of the bill, as amended, upon third reading.

Senator Gulley offers Amendment No. 2.

On motion of Senator Gulley, the Chair orders, without objection, the bill, as amended, temporarily displaced, with Amendment No. 2 pending.

CALENDAR (Continued)

S.B. 793 (Committee Substitute), a bill to provide for the release of pharmacy records for the purpose of obtaining reimbursement and to provide regulation of

locations shipping, mailing, or delivering devices or medical equipment to North Carolina residents.

The Committee Substitute bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 783, a bill to provide for the forfeiture of property owned by persons participating in nuisances on the property involving the sale or use of narcotic drugs, as amended, temporarily displaced earlier, with Amendment No. 2 pending.

Amendment No. 2 is adopted (45–0).

The bill, as amended, passes its third reading (46–0) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 813, a bill to change the name of the chief of the county election staff from "supervisor of elections" to "director of elections."

The bill passes its second (44–2) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 818, a bill to establish a Birth Defects Monitoring Program in the Department of Environment, Health, and Natural Resources.

On motion of Senator Lucas, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46–1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 828, a bill to make appointments to various commissions upon the recommendation of the President of the Senate.

The bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 855, a bill to authorize public hospitals to develop preferred provider organizations, health maintenance organizations, and managed care products with providers and insurers.

The bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 862, a bill to provide an exception to the law voiding forum selection provisions in contracts by validating actions commenced pursuant to such provisions with the consent of all parties to the contract.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 886, a bill to amend the hospital cooperation act regarding cooperative agreements.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (45–1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 899, a bill to provide that certain financial institutions' records are confidential.

The bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 901, a bill to provide parity between the President *Pro Tempore* and the Speaker by having certain appointments made by or upon the recommendation of the President *Pro Tempore* of the Senate rather than the President of the Senate.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (44–2) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

With unanimous consent, the Chair declares the Senate in recess at 6:15 P.M. to reconvene at 6:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Upon the appearance of Senator Edwards in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR (Continued)

S.B. 929, a bill to make various amendments to the North Carolina Rules of Civil Procedure regarding service of process and depositions in a foreign country and the determination of foreign law to be applied in certain civil actions.

Senator Cooper offers Amendment No. 1 which is adopted (44–0).

The bill, as amended, passes its second (45–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 939, a bill to amend the occupational disease, illness, and injury reporting law.

The bill passes its second reading (38–7).

Senator Ballantine objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 11, for further consideration upon third reading.

COMMITTEE REFERRAL RECALL

S.B. 634, a bill to permit the reallocation of the Highway Trust Fund urban loop funds to other transportation improvement program projects and public transportation, referred to the **Appropriations Committee** earlier today.

Pursuant to Rule 47(b), Senator Plyler offers a motion the bill be taken from the **Appropriations Committee** and placed on the Supplemental Calendar for today, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and places it on the Supplemental Calendar for today, for consideration upon its passage.

CALENDAR (Continued)

S.B. 961, a bill to provide for nonpartisan election of trial judges in their districts, and to provide for nonpartisan election of appellate judges.

Senator Cooper offers Amendment No. 1 which is adopted (45–2).

Senator Simpson offers Amendment No. 2, which proposes to change the title to read, **S.B. 961**, a bill to be entitled an act to provide for election of superior court judges in their districts.

Upon a tied vote, the President of the Senate votes "no."

With unanimous consent, the rules are suspended to the end Senator Gulley is recorded voting "no" and Senator Conder is allowed to change his vote from "aye" to "no," nullifying the vote of the Lieutenant Governor.

Amendment No. 2 fails of adoption (22–26).

The bill, as amended, passes its second reading (26–22).

Senator Webster objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 11, for further consideration upon third reading.

S.B. 974, a bill to require a person who performs the land application of agriculture waste to be certified as a water pollution control systems operator.

On motion of Senator Albertson, Committee Amendment No. 1 is adopted.

Senator Albertson offers Amendment No. 2 which is adopted (46–0).

The bill, as amended, passes its second (42–3) and third (43–4) readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 975, a bill to authorize the deposit of tobacco assessment funds with the North Carolina Tobacco Foundation.

The bill passes its second (47–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 990, a bill to provide for more effective administrative permit review under the Coastal Area Management Act.

Senator Winner offers Amendment No. 1 which is adopted (48–0).

The bill, as amended, passes its second (48–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 999 (Committee Substitute), a bill to increase the cost limit on work that can be performed by governmental force account labor.

The Committee Substitute bill passes its second (46–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1001, a bill to clarify the applicability of the Beach Access Program to projects designed to provide access to coastal waters.

The bill passes its second (45–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1015, a bill to change the definition of "developer" for purposes of the time share act.

The bill passes its second reading (44–3).

Senator Gulley objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 11, for further consideration upon third reading.

S.B. 1017, a bill to change the name of the Board of Medical Examiners of the State of North Carolina to the North Carolina Medical Board and to make conforming changes throughout the General Statutes.

The bill passes its second (45–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1021, a bill to clarify that home health agencies are restricted to serving patients within their service area, to sunset this restriction in two years, and to require the Health Planning Commission to determine whether to recommend the restriction be continued.

The bill passes its second (42–6) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1041, a bill to establish the minimum streamflow in the length of the stream affected by certain dams operated by small hydroelectric power producers and to provide that the minimum streamflows thus specified are the policy of the State for such dams, whether or not a particular dam is subject to the Dam Safety Law of 1967.

The bill passes its second (48–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1042, a bill to make various amendments regarding guaranteed energy savings contracts in order to enhance the viability of guaranteed energy savings contracts by local governmental units and to repeal the sunset for local governmental units to enter into these contracts.

Senator Blackmon offers Amendment No. 1 which is adopted (48–0).

The bill, as amended, passes its second (46–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1046, a bill to remove certain property from the State Nature and Historic Preserve and to authorize the deletion of various properties from the State Parks System.

Senator Horton rises to a point of order as to the necessity of a three–fifths affirmative majority vote to pass the measure. The Chair rules the bill requires a call of the roll pursuant to Article XIV, Sec. 5 of the *Constitution of North Carolina* and sustains the point of order.

Receiving a three–fifths affirmative majority vote, the bill passes its second reading by roll–call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: Senator McDaniel—1.

With unanimous consent, the bill remains before the Senate for further consideration upon third reading.

Receiving a three–fifths affirmative majority vote, the bill passes its third reading by roll–call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: Senator McDaniel—1.

The bill is ordered sent to the House of Representatives by special messenger.

S.B. 1080 (Committee Substitute), a bill to place certain restrictions on the siting of swine houses and lagoons.

Senator Albertson offers Amendment No. 1 which is adopted (47–0).

The Committee Substitute bill, as amended, passes its second (48–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to G.S. 136–12B, the North Carolina Department of Transportation submits a draft copy of the 1995 Transportation Improvement Program.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and pursuant to Rule 43, are ordered held in the Office of the Principal Clerk for referral to Committee, as follows:

H.B. 68, a bill to allow the Town of Beech Mountain to require that certain rental residential dwelling units have smoke detectors and fire extinguishers.

H.B. 106 (Committee Substitute), a bill to limit the Speaker of the House of Representatives and the President *Pro Tempore* of the Senate to service in those offices, respectively, to two consecutive General Assemblies.

H.B. 166, a bill to change the date of election of the Jackson County Board of Education.

H.B. 174 (Committee Substitute), a bill to provide for legislative confirmation of certain executive appointments.

H.B. 222, a bill to make a technical correction to G.S. 120–70.2 regarding filling of vacancies on the Joint Legislative Utility Review Committee as recommended by the Joint Legislative Utility Review Committee.

H.B. 227 (Committee Substitute), a bill to codify the creation by the 1983 General Assembly of the Institute of Medicine.

H.B. 265 (Committee Substitute), a bill to allow service of process by a private process server when a proper officer returns service of process unexecuted.

H.B. 295 (Committee Substitute), a bill to establish priority for payment of liability claims for rental cars under certain circumstances.

H.B. 333 (Committee Substitute), a bill to provide that a register of deeds who completes service after ten years of eligible service as register of deeds but does not commence retirement from the Local Governmental Employees' Retirement System may receive a monthly pension from the Register of Deeds' Supplemental Pension Fund upon retirement under the Local Governmental Employees' Retirement System.

H.B. 341, a bill to establish requirements for individuals to report work search efforts in order to remain eligible for unemployment benefits.

H.B. 350, a bill to require the requesting agency to compensate the interpreters for the deaf in certain judicial, legislative, and administrative proceedings.

H.B. 366 (Committee Substitute), a bill to direct the Utilities Commission to issue certificates of convenience and necessity for natural gas service for all areas of the State for which certificates have not been issued.

H.B. 416, a bill to clarify that immunity from liability for agencies supervising community service work includes claims from persons working under a deferred prosecution agreement, persons on probation and persons on parole.

H.B. 424 (Committee Substitute), a bill to make technical changes regarding the inspection of elevators and related devices, and regarding the collection of fees therefor.

H.B. 437, a bill to provide for the State of North Carolina to establish a State Veterans Home Program in the Division of Veterans Affairs of the Department of Administration.

H.B. 446, a bill modifying contract letting procedures and limitations applicable to the Department of Transportation.

H.B. 447 (Committee Substitute), a bill to require an ambulance provider license.

H.B. 461 (Committee Substitute), a bill to authorize the use of red lights on vehicles transporting blood.

H.B. 467, a bill to increase the criminal penalty for first degree sexual exploitation of a minor and to increase the criminal penalty for promoting prostitution of a minor.

H.B. 468, a bill to increase the penalty for the criminal offense of felony child abuse.

H.B. 481, a bill to require parental or judicial consent for an unemancipated minor's abortion.

H.B. 487, a bill to authorize pilot programs in which students are required to wear uniforms in public schools.

H.B. 515, a bill to clarify the definition of the term "relevant market area" in the motor vehicle dealers and manufacturers licensing law.

H.B. 534, a bill to provide that evidence that a motor vehicle passed a stopped school bus is *prima facie* evidence that the owner of the vehicle was operating it at the time of the violation.

H.B. 536 (Committee Substitute), a bill to provide that Gaston County may use the proceeds of its occupancy tax only for economic development to promote travel and tourism.

H.B. 566 (Committee Substitute), a bill to amend the laws relating to the powers of fiduciaries.

H.B. 584, a bill to provide for election of the nine members of the Anson County Board of Education from seven single-member districts, plus two at-large members elected by limited voting.

H.B. 596 (Committee Substitute), a bill to describe the corporate limits of the City of New Bern.

H.B. 634 (Committee Substitute), a bill relating to the authority and jurisdiction of city law enforcement officers while transporting persons in custody within the State.

H.B. 637 (Committee Substitute), a bill to amend the law regarding products liability.

H.B. 639 (Committee Substitute No. 2), a bill to amend the provisions under which the Piedmont Triad Airport Authority regulates parking at the Piedmont Triad International Airport.

H.B. 645 (Committee Substitute), a bill to provide that local governments may regulate the possession of open containers of alcoholic beverages on public property and the possession of alcoholic beverages on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.

H.B. 674 (Committee Substitute), a bill to reduce from eleven to seven the number of Guilford County Commissioners and to redistrict the Guilford County Board of Commissioners, subject to a referendum.

H.B. 682 (Committee Substitute), a bill making further sundry amendments concerning local governments in Orange County.

H.B. 686 (Committee Substitute), a bill to make changes to the General Statutes pertaining to domestic violence.

H.B. 690, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue weapon permits in Ashe County.

H.B. 710 (Committee Substitute), a bill to provide for partisan elections in the City of High Point, if approved by referendum.

H.B. 744 (Committee Substitute), a bill to require that domiciliary facilities found on inspection to have left a resident unattended be penalized.

H.B. 756, (Committee Substitute), a bill to aid in ensuring that residents in domiciliary care homes are in safe and well-managed facilities.

H.B. 759, a bill to provide that a home for the aged, sick, or infirm whose property is exempt from property tax is allowed a refund of State and local sales and use taxes.

H.B. 774 (Committee Substitute), a bill to amend the Professional Corporation Act to allow collaborative practices between and among physicians and mid-level health care providers.

H.B. 783, a bill to permit the issuance of certain permits on school property.

H.B. 787 (Committee Substitute), a bill to provide for direct payment of licensed pharmacists under health insurance policies and plans.

H.B. 798, a bill to repeal certain requirements pertaining to materials used in conjunction with food consumption.

H.B. 802 (Committee Substitute), a bill to require reciprocal bid preferences.

H.B. 805 (Committee Substitute), a bill to restore minimum penalties for major wildlife offenses and to make other minor revisions to the penalty provisions for wildlife offenses.

H.B. 829 (Committee Substitute), a bill to amend the various grounds for discipline of practitioners of chiropractic by the State Board of Chiropractic Examiners.

H.B. 831, a bill to allow area mental health authorities to use State funds for the use of more types of facilities and for facilities operated by governmental entities.

H.B. 832 (Committee Substitute), a bill to clarify the meaning of critical habitat and to limit the designation of critical habitat by the Wildlife Resources Commission.

H.B. 842 (Committee Substitute No. 2), a bill to repeal the current statutes regarding fraudulent conveyances and to adopt the Uniform Fraudulent Transfer Act in order to modernize North Carolina law and harmonize our law on this subject with those states that have adopted this uniform act.

H.B. 844 (Committee Substitute), a bill to amend the vital records law.

H.B. 848 (Committee Substitute), a bill to require notice to and consultation with the minor's legally responsible person before discharge from treatment of mental illness or substance abuse.

H.B. 849 (Committee Substitute), a bill to permit the issuance of ABC permits at sports clubs in certain counties.

H.B. 851 (Committee Substitute), a bill to make changes with regard to forfeiture of surety bonds.

H.B. 868 (Committee Substitute), a bill to establish a fund in the Department of Human Resources to provide grants to licensed private child–placing agencies and public child–placing agencies to place more hard–to–place children.

H.B. 873, a bill to limit the substances that applicators of pesticides are authorized to apply and to provide for the pesticide applicator's license to be revoked, suspended, or denied for violating this limitation.

H.B. 893 (Committee Substitute), a bill to create uniform procedures for review of mining, hazardous waste, water, and air permit decisions and to streamline the permit review process.

H.B. 897 (Committee Substitute), a bill to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives.

H.B. 905 (Committee Substitute), a bill to clarify the civil remedies available for returned checks.

H.B. 907, a bill to authorize the State and its political subdivisions to be subject to statutes of limitation and repose for certain civil actions and to provide a ten–year statute of limitation for those same actions brought by the State or a political subdivision of the State when the function at issue is governmental.

H.B. 912 (Committee Substitute), a bill to amend Article 11 of Chapter 130A of the General Statutes regarding wastewater systems.

H.B. 933, a bill to provide for fair and equitable liquidations of mutual associations and savings banks.

H.B. 940 (Committee Substitute), a bill to make various changes relating to criminal and civil procedure.

H.B. 958 (Committee Substitute), a bill to authorize reimbursement for licensed professional counselors under the State Health Plan for mental heath and chemical dependency treatment.

H.B. 970, a bill to permit employers to conduct on–site drug testing under certain circumstances.

With unfinished business remaining on today's Calendar and the Supplemental Calendar, on motion of Senator Basnight, seconded by Senator Shaw, the Senate stands adjourned at 8:24 P.M. to meet tomorrow, Thursday, May 11, at 9:30 A.M.

SIXTY-SECOND DAY

SENATE CHAMBER,
Thursday, May 11, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the The Reverend Mary Emma Evans, from West End United Church of Christ in Henderson, as follows:

"At the opening of this Session, I pray You, Heavenly Father, to take into Your gracious care all members of the Senate and staff in this Chamber, the presiding officers and all other officials. Endow them with a high sense of responsibility of the office to which they have been elected. Fill them with wisdom and knowledge, that the resolutions adopted and the laws enacted may meet Your standards and be for the good of our people. Make our nation a blessing to the people of the world. For Jesus' Sake, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization; to Senator Martin of Pitt due to a doctor's appointment; and to Senator Sawyer due to illness.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, May 10, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Charles M. Phillips of Greenville, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 128 (Committee Substitute), an act to permit the City of Henderson and the City of Asheville to use wheel locks on certain illegally parked vehicles. (Ch. 75)

H.B. 508, an act to change the nonpartisan election of the Transylvania County Board of Education from the date of the primary to the date of the general election. (Ch. 76)

H.B. 662, an act to change the manner of election of the Martin County Board of Education from nonpartisan election at the time of the primary to nonpartisan election at the time of the general election. (Ch. 77)

H.B. 679, an act amending the statutory definition of subdivision in Davie County. (Ch. 78)

H.B. 698, an act relating to the daily deposit of collections and receipts by the City of Greensboro. (Ch. 79)

REPORTS OF COMMITTEES

With unanimous consent, on motion of Senator Rand, the rules are suspended, and all bills and resolutions reported from committees are placed on today's Supplemental Calendar.

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on today's Supplemental Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee:**

S.B. 585, a bill to expedite execution of judgments against the property of the judgment debtor, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 2644, which changes the title to read **S.B. 585** (Committee Substitute), a bill to expedite execution or judgments against the property of the judgment debtor, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted, and on his further motion is placed on the Supplemental Calendar for today, for further consideration.

By Senator Rand for the **Rules and Operation of the Senate Committee:**

S.B. 627, a bill relating to Cumberland County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rand, the rules are suspended, and the proposed Committee Substitute bill 7674, which changes the title to read **S.B. 627** (Committee Substitute), a bill to provide that the Fayetteville Area Chamber of Commerce shall administer the Cumberland County occupancy tax, is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Committee Substitute bill is adopted and on his further motion, is placed on the Supplemental Calendar for today, for further consideration.

S.B. 630, a bill relating to Cumberland County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rand, the rules are suspended, and the proposed Committee Substitute bill 7675, which changes the title to read **S.B. 630** (Committee

Substitute), a bill to provide for billing fees for structural and natural stormwater and drainage systems in Cumberland County, is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Committee Substitute bill is adopted.

The Chair rules adoption of the Committee Substitute bill changes the bill from a local bill to a public bill.

The Committee Substitute bill is placed on the Supplemental Calendar for today, for further consideration.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

With unanimous consent, on motion of Senator Rand, the rules are suspended to the end messages from the House of Representatives be placed as the last order of business.

CALENDAR

Pursuant to the motion of Senator Basnight, prevailing on May 8, all measures ordered sent to the House of Representatives are sent by special messenger.

Bills on the Calendar carried forward as unfinished business from Wednesday, May 10, are taken up and disposed of, as follows:

S.B. 1084, a bill to amend Article 2 of Chapter 119 of the General Statutes regarding the regulation of rerefined or reprocessed oil.

The bill passes its second (41–2) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1086, a bill to allow banks to make loans secured by shares of its own stock or that of its parent holding company under certain circumstances.

The bill passes its second (42–4) and third readings and is ordered sent to the House of Representatives by special messenger.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Supplemental Calendar for today, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

S.B. 832, a bill to provide for the Court of Appeals to hear appeals in criminal cases in which life sentences are imposed, with a favorable report.

CALENDAR (Unfinished Business Continued)

S.B. 320, a bill to be known as the North Carolina Uniform Custodial Trust Act and to make conforming amendments to the power of attorney statutes, as recommended by the General Statutes Commission, as amended, upon third reading.

Senator Kerr offers Amendment No. 5 which is adopted (43–1).

The bill, as amended, passes its third reading (41–2) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 558, a bill to provide for expedited eviction of persons engaged in drug–related criminal activity and other criminal activity that threatens the health, safety, or peaceful enjoyment of rental property, upon third reading.

The bill passes its third reading (41–2) and is ordered sent to the House of Representatives by special messenger.

S.B. 940 (Committee Substitute), a bill to enact the Charter Schools Act of 1995, as amended, upon third reading.

Senator Simpson offers Amendment No. 4 which fails of adoption (19–28).

Senator Sherron offers a motion to re–refer the Committee Substitute bill, as amended, to the **Appropriations Committee.**

Senator Gulley calls the previous question, seconded by Senator Rand. The call is sustained (43–4).

The Committee Substitute bill, as amended, passes its third reading (39–8) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1023, a bill to amend the procedure for obtaining an interbasin transfer permit, upon third reading.

With unanimous consent, on motion of Senator Cochrane, the bill is recommitted to the **Agriculture/Environment/Natural Resources Committee.**

S.B. 971 (Committee Substitute), a bill to amend the Constitution of North Carolina to provide for gubernatorial appointment of Justices of the Supreme Court and Judges of the Court of Appeals and retention by vote of the people, upon second reading.

Senator Odom offers Amendment No. 1.

On motion of Senator Odom, the Chair orders, without objection, the bill temporarily displaced, with Amendment No. 1 pending.

COMMITTEE REFERRAL RECALL

S.B. 345 (Committee Substitute), a bill to make substantive changes to the insurance laws, referred to the **Finance Committee** on May 10.

Pursuant to Rule 47(b), Senator Sherron offers a motion the Committee Substitute bill be taken from the **Finance Committee** and placed on the Supplemental Calendar for today, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Finance Committee** and places it on the Supplemental Calendar for today, for consideration upon its passage.

CALENDAR

Bills carried forward as unfinished business from the Supplemental Calendar of Wednesday, May 10, are taken up and disposed of as follows:

S.B. 543 (Committee Substitute), a bill to provide that sworn and certified jailers and telecommunicators employed by the Catawba County Sheriff's Department are

eligible to receive the benefits afforded to law enforcement officers through the Local Governmental Employees' Retirement System.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 637 (Committee Substitute), a bill to repeal the Hendersonville Firemen's Supplemental Retirement Fund.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 694 (Committee Substitute), a bill to repeal the Goldsboro Firemen's Supplemental Pension Fund.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 717, a bill to require the Moore County Board of Commissioners to redistrict their residency districts.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

H.B. 651 (Senate Committee Substitute), a bill to allow the Towns of Kill Devil Hills, Kitty Hawk, Nags Head, and Southern Shores to regulate noise in the Atlantic Ocean and other waterways adjacent to that portion of the Towns within their boundaries or within their extraterritorial jurisdiction.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, by special messenger.

S.B. 971 (Committee Substitute), a bill to amend the Constitution of North Carolina to provide for gubernatorial appointment of Justices of the Supreme Court and Judges of the Court of Appeals and retention by vote of the people, upon second reading, temporarily displaced earlier, with Amendment No. 1 pending.

Amendment No. 1, offered by Senator Odom, is adopted (39–4).

Following debate, on motion of Senator Odom, the Chair orders, without objection, the Committee Substitute bill, as amended, temporarily displaced.

S.B. 242 (Committee Substitute), a bill to amend the North Carolina Nonprofit Corporation Act and to make a conforming amendment to the Business Corporation Act, as recommended by the General Statutes Commission.

The Committee Substitute bill passes its second (40–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 359 (Committee Substitute), a bill to make it a felony offense to impersonate a law enforcement officer by unlawfully operating a motor vehicle with an operating blue or red light.

The Committee Substitute bill passes its second (44–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 404, a bill to modify the criteria for selection and sentencing to IMPACT.

The Chair orders, without objection, the bill temporarily displaced.

S.B. 473 (Committee Substitute), a bill to amend the State Disability Income Plan as it applies to disabled veterans.

On motion of Senator Soles, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 487, a bill to provide that the Assistant Adjutant General for the Army National Guard shall serve in the military position of Brigadier General – Line, Deputy, State Area Command (STARC) Commander.

The bill passes its second (44–1) and third readings and is ordered sent to the House of Representatives by special messenger.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 657 (Senate Committee Substitute), an act making sundry amendments concerning local governments in Chatham County. (Ch. 80)

CALENDAR (Unfinished Business Continued)

S.B. 513 (Committee Substitute), a bill to limit the applicability of the anti-deficiency judgment statute.

Following lengthy debate, Senator Ballantine calls the previous question, seconded by Senator Rand. The call is sustained.

The Committee Substitute bill passes its second reading (24–20).

Senator Odom objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, May 12, for further consideration upon third reading.

Senator Odom withdraws his objection to third reading, the Senate reconsiders and the Committee Substitute bill is taken from the Calendar for tomorrow, May 12, and placed on today's Supplemental Calendar in its regular order of business, upon third reading.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

S.B. 519 (Committee Substitute), a bill to encourage the purchase of commodities and services offered by blind and by severely disabled persons.

Senator Odom offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second (45–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 525, a bill to require the State Health Director to prepare a medical and health benefits plan.

The bill passes its second (44–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 550 (Committee Substitute), a bill to improve the administration of justice and promote judicial economy and efficiency within the Superior Court Division of

the General Court of Justice by providing for full eight–year terms of office when vacancies arise and an election is held other than at the expiration of the prior term for certain superior court judges.

The Committee Substitute bill passes its second (44–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 859, a bill to amend the mental health commitment law, on today's Calendar.

With unanimous consent, on motion of Senator Martin of Guilford, the bill is taken up out of its regular order of business and on his further motion, the bill is re–referred to the **Appropriations Committee**.

S.B. 1062 (Committee Substitute), a bill to amend the law regarding the Family Preservation Act to conform to federal requirements and to expand the membership of the Advisory Committee on Family–Centered Services, on today's Calendar.

With unanimous consent, on motion of Senator Martin of Guilford, the Committee Substitute bill is taken up out of its regular order of business and on his further motion, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

S.B. 700 (Committee Substitute), a bill to authorize reimbursement for licensed professional counselors under the State Health Plan for mental health and chemical dependency treatment, to limit the exemption for licensure of counselors, and clarify the definition of "counseling," on today's Calendar.

With unanimous consent, on motion of Senator Parnell, the Committee Substitute bill is taken up out of its regular order of business and on his further motion, the Committee Substitute bill is recommitted to the **Pensions and Retirement/Insurance/State Personnel Committee**.

S.B. 559 (Committee Substitute), a bill to increase the penalties for a drug offense that occurs in a drug–free public housing zone, to provide that acceptance of rent by a housing authority is not a waiver of default, to authorize housing authorities to govern entry upon housing authority property by guests and visitors, and to make it a crime to trespass on public housing authority property.

Senator Odom offers Amendment No. 1 which is adopted (40–3), changing the title to read **S.B. 559** (Committee Substitute), a bill to provide that acceptance of rent by a housing authority is not a waiver of default and to authorize housing authorities to govern entry upon housing authority property by guests and visitors.

The Committee Substitute bill, as amended, passes its second (45–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 593, a bill to allow alternative investments of irrevocable preneed funeral contract funds.

With unanimous consent, Senator Jordan is excused from voting on the bill for the stated reason, "conflict of interest."

On motion of Senator Conder, Committee Amendments No. 1 and No. 2 are adopted.

Without objection, the bill, as amended, is temporarily displaced.

The President Pro Tempore relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

S.B. 634 (Committee Substitute), a bill to permit the reallocation of the Highway Trust Fund urban loop funds to other transportation improvement program projects and public transportation.

Senator Soles offers Amendment No. 1 which is adopted (42–3).

Senator Kerr offers Amendment No. 2 which proposes to change the title to read **S.B. 634**, a bill to be entitled an act to permit the reallocation of the Highway Trust Fund urban loop funds to other transportation improvement program projects. Senator Gulley calls the previous question. The call fails to be sustained for lack of a second.

Subsequently, with unanimous consent, Senator Kerr withdraws Amendment No. 2

Senator Webster offers Amendment No. 3 which fails of adoption (9–37).

Senator Gulley calls the previous question, seconded by Senator Lucas. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading (25–21).

Senator Blackmon objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Friday, May 12, for further consideration upon third reading.

S.B. 593, a bill to allow alternative investments of irrevocable preneed funeral contract funds, as amended, temporarily displaced earlier.

With unanimous consent, Senator Jordan is excused from voting for the stated reason "conflict of interest."

Senator Conder offers Amendment No. 3 which is adopted (44–2).

With unanimous consent, on motion of Senator Sherron, the bill, as amended, is re-referred to the **Finance Committee**.

S.B. 971, a bill to amend the Constitution of North Carolina to provide for gubernatorial appointment of justices and judges of the General Court of Justice and retention by vote of the people, as amended, temporarily displaced earlier, upon second reading.

Senator Odom offers Amendment No. 2 which is adopted (43–2).

With unanimous consent, on motion of Senator Odom, the bill, as amended, is engrossed and re-referred to the **Appropriations Committee**.

S.B. 404, a bill to modify the criteria for selection and sentencing to IMPACT, temporarily displaced earlier.

The bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives by special messenger.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Supplemental Calendar for today, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 426 (Committee Substitute), a bill to amend the public records law, with an unfavorable report as to Committee Substitute bill as rewritten by the **Judiciary I/ Constitution Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill No. 2, 4627, is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Sherron, the Committee Substitute bill No. 2 is placed on the Supplemental Calendar for today, for further consideration.

S.B. 966, a bill to increase the cosmetology examination and licensure fees and to allow the board to administer examinations for registration of teachers to charge a fee for the examination, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill 5638, which changes the title to read **S.B. 966** (Committee Substitute), a bill to increase the cosmetology examination and licensure fees, to allow the board to administer examinations for licensure of teachers, and to charge a fee for the examination of teachers, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Committee Substitute bill is adopted, and on his further motion is placed on the Supplemental Calendar for today, for further consideration.

CALENDAR (Continued)

S.B. 473 (Committee Substitute), a bill to amend the State Disability Income Plan as it applies to disabled veterans, temporarily displaced earlier.

With unanimous consent, on motion of Senator Plyler, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

COMMITTEE REFERRAL RECALL

S.B. 775 (Committee Substitute), a bill to define clients eligible for "Willie M." services, to authorize the adoption of rules to determine eligibility, to ensure the provision of services, and to provide for contested case hearing provision, referred to the **Appropriations Committee** on May 10.

Pursuant to Rule 47(b), Senator Plyler offers a motion Committee Substitute the bill be taken from the **Appropriations Committee** and placed on the Supplemental Calendar for today, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Appropriations Committee** and places it on the Supplemental Calendar for today, for consideration upon its passage.

CALENDAR (Unfinished Business Continued)

S.B. 707, a bill to amend the law relating to the share of after-born or after-adopted children, as recommended by the General Statutes Commission.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (40–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 724, a bill to describe circumstances under which an attorney–in–fact may make gifts, as recommended by the General Statutes Commission.

Senator Cooper offers Amendment No. 1 which is adopted (41–0).

The bill, as amended, passes its second (43–0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 742, a bill to authorize the Secretary of the Department of Human Resources to investigate the deaths of certain Thomas S. class members.

The bill passes its second (43–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 790, a bill to ensure the accessibility of voter registration to in–State individuals entering postsecondary institutions in North Carolina.

With unanimous consent, on motion of Senator Perdue, the bill is re–referred to the **Appropriations Committee**.

With unanimous consent, on motion of Senator Rand, the Senate recesses at 12:45 P.M. to reconvene at 1:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by Senator Marc Basnight, President *Pro Tempore*.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Supplemental Calendar for today, as follows:

By Senator Parnell for the **Commerce Committee:**

S.B. 1054, a bill to require that certain advance rental payments be deposited in trust accounts and that the landlord deliver periodic accountings to the tenant, with a favorable report.

CALENDAR (Unfinished Business Continued)

S.B. 513 (Committee Substitute), a bill to limit the applicability of the anti-deficiency judgment statute, placed earlier today on the Supplemental Calendar for further consideration upon third reading.

With unanimous consent, the Committee Substitute bill is taken up out of its regular order of business.

Senator Winner offers Amendment No. 1 which is adopted (42–1).

The Committee Substitute bill, as amended, passes its third reading (27–16) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 814, a bill to require certain dispositive motions to be accompanied by a memorandum, temporarily displaced earlier.

The bill passes its second (44–2) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 821, a bill to amend the definition of preneed funeral funds.

Without objection, Senator Jordan is excused from voting on the bill for the stated reason "possible conflict of interest."

On motion of Senator Conder, Committee Amendment No. 1 is adopted (46–0).

The bill passes its second (41–5) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 634 (Committee Substitute), a bill to permit the reallocation of the Highway Trust Fund urban loop funds to other transportation improvement program projects and public transportation, placed earlier today on the Calendar for tomorrow upon third reading.

Senator Blackmon withdraws his objection to third reading, the Senate reconsiders and the bill is taken from the Calendar for tomorrow and placed before the Senate for further consideration upon third reading.

Senator Gulley calls the previous question which fails to be sustained for lack of a second.

Upon the appearance of Senator Martin of Pitt in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Following debate, Senator Gulley calls the previous question, seconded by Senator Rand. The call is sustained (40–4).

The Committee Substitute bill fails to pass its third reading (18–27) and the measure lies upon the table.

S.B. 844, a bill to allow optional calendaring of arraignment in superior court.

The bill passes its second (41–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 880, a bill to provide additional insurance coverage for beach property.

The bill passes its second (39–3) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 896, a bill to enhance the investigative capabilities of law enforcement in cases of drug trafficking and other serious crimes by permitting the use of electronic surveillance in limited circumstances.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted (44–0).

The bill, as amended, passes its second (41–2) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 987, a bill to create the felony offense of continuing criminal enterprise with regard to criminal offenses that are not drug offenses, to create the felony status offense of habitual thief, and to provide that failure of an itinerant merchant to keep a receipt or invoice with certain information indicating the source of the merchant's products and to show the receipt or invoice to a law enforcement officer upon request is *prima facie* evidence that the products are stolen.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted, which changes the title to read **S.B. 987**, a bill to create the felony offense of continuing

criminal enterprise with regard to criminal offenses that are not drug offenses, and to provide that failure of an itinerant merchant to keep a receipt or invoice with certain information indicating the source of the merchant's products and to show the receipt or invoice to a law enforcement officer upon request is *prima facie* evidence that the products are stolen.

The President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The bill, as amended, passes its second (43–1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 988, a bill to provide relief from the weight limitations for recovered materials haulers.

The bill passes its second (44–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1003, a bill to exempt individual retirement accounts, individual retirement annuities, and simplified employees pension/individual retirement accounts from the claims of creditors.

The bill passes its second (45–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1063 (Committee Substitute), a bill to amend the mental health commitment law to provide for voluntary commitment of mothers who are substance abusers and their children under the age of three.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (44–1).

The Committee Substitute bill, as amended, passes its second (42–3) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

Bills on the Calendar for today are taken up and disposed of as follows:

S.B. 491, a bill to authorize the Town of Highlands to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Blackmon, Carpenter, Carrington, Conder, Cooper, Dannelly, Davis, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—36.

Voting in the negative: Senators Ballance, Clark, Cochrane, East, Forrester, McDaniel, Page, and Webster—8.

The bill is ordered sent to the House of Representatives by special messenger.

S.B. 536, a bill to authorize the City of Mount Airy to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Blackmon, Carpenter, Carrington, Conder, Cooper, Dannelly, Davis, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—38.

Voting in the negative: Senators Clark, Cochrane, East, Forrester, McDaniel, Page, and Webster—7.

The bill is ordered sent to the House of Representatives by special messenger.

H.B. 381 (Committee Substitute No. 2), a bill to grant the Town of Apex and the Town of Mooresville a temporary exemption from the total amount of noncontiguous territory that may be annexed, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Warren, Webster, and Winner—43.

Voting in the negative: Senator Hartsell—1.

The Committee Substitute bill No. 2 is ordered enrolled.

S.B. 798 (Committee Substitute), a bill authorizing sanitary districts to provide streets and law enforcement services and allowing small sanitary districts to compensate board members in the same manner as large sanitary districts, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Warren, Webster, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special messenger.

S.B. 577, a bill to amend the educational requirements for certified public accountants, as amended, upon third reading.

Senator Winner offers Amendment No. 2 which is adopted (45–1).

The Chair calls for a vote on the measure.

Senator Soles offers a motion the rules be suspended to the end to allow Senator Sherron to speak to the bill after the call for the vote, which motion prevails (38–8). The Chair rescinds the call for the vote.

Following further debate, Senator Hoyle calls the previous question, seconded by Senator Rand. The call is sustained.

Without objection, Senator Webster is excused from voting on the bill for the stated reason "may have financial impact."

The bill, as amended, fails to pass third reading (22–23) and the measure lies upon the table.

S.B. 939, a bill to amend the occupational disease, illness, and injury reporting law, upon third reading.

The bill passes its third reading (40–4) and is ordered sent to the House of Representatives by special messenger.

S.B. 961, a bill to provide for nonpartisan election of trial judges in their districts, and to provide for nonpartisan election of appellate judges, as amended, upon third reading.

The bill, as amended, passes its third reading (24–21) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1015, a bill to change the definition of "developer" for purposes of the time share act, upon third reading.

The bill passes its third reading (44–3) and is ordered sent to the House of Representatives by special messenger.

Senator Rand offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion prevails, and the question becomes the passage of the measure upon third reading.

Senator Rand offers Amendment No. 1 which is adopted (39–8).

The bill, as amended, passes its third reading (44–0) and is ordered engrossed and sent to the House of Representatives by special messenger.

CALENDAR (Continued)

Bills ordered placed on today's Supplemental Calendar are taken up and disposed of as follows:

S.B. 627 (Committee Substitute), a bill to provide that the Fayetteville Area Chamber of Commerce shall administer the Cumberland County occupancy tax.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 345 (Committee Substitute), a bill to make substantive changes to the insurance laws, upon second reading.

The Chair rules the Committee Substitute bill does not require a call of the roll.

Senator Little offers Amendment No. 1 which is adopted (45–0).

Senator Rand offers Amendment No. 2 and, on motion of Senator Rand, the Chair orders, without objection, the Committee Substitute bill, as amended, temporarily displaced, with Amendment No. 2 pending.

S.B. 426 (Committee Substitute No. 2), a bill to amend the public records law.

Following debate, on motion of Senator Shaw, the Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

S.B. 585 (Committee Substitute), a bill to expedite execution or judgments against the property of the judgment debtor.

The Committee Substitute bill passes its second (44–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 630 (Committee Substitute), a bill to provide for billing fees for structural and natural stormwater and drainage systems in Cumberland County.

The Committee Substitute bill passes its second (43–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 775 (Committee Substitute), a bill to define clients eligible for "Willie M." services, to authorize the adoption of rules to determine eligibility, to ensure the provision of services, and to provide for contested case hearing provision.

The Committee Substitute bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 832, a bill to provide for the Court of Appeals to hear appeals in criminal cases in which life sentences are imposed.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 966 (Committee Substitute), a bill to increase the cosmetology examination and licensure fees, to allow the board to administer examinations for licensure of teachers, and to charge a fee for the examination of teachers.

The Committee Substitute bill passes its second (34–11) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1054, a bill to require that certain advance rental payments be deposited in trust accounts and that the landlord deliver periodic accountings to the tenant.

The bill passes its second (46–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 345 (Committee Substitute), a bill to make substantive changes to the insurance laws, as amended, temporarily displaced earlier, with Amendment No. 2 pending.

Senator Rand withdraws Amendment No. 2 with unanimous consent.

The Committee Substitute bill, as amended, passes its second reading (41–4).

Senator Odom requests to be recorded voting "aye" upon third reading.

The Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 426 (Committee Substitute No. 2), a bill to amend the public records law, temporarily displaced earlier.

Senator Shaw offers Amendment No. 1. Following debate, Amendment No. 1 fails of adoption (18–29).

The Committee Substitute bill passes its second (46–1) and third readings and is ordered sent to the House of Representatives by special messenger.

COMMITTEE REFERRAL RECALL

S.J.R. 213, a joint resolution supporting North Carolina's participation in a Conference of the States, as amended, recommitted to the **Rules and Operation of the Senate Committee** on May 10.

Pursuant to Rule 47(b), Senator Rand offers a motion the joint resolution, as amended, be taken from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration upon its passage, which motions prevail with unanimous consent.

The Chair orders the joint resolution, as amended, recalled from the **Rules and Operation of the Senate Committee** and places it before the Senate for immediate consideration upon its passage.

Senator Conder offers Amendment No. 2 which is adopted (29–15), changing the title to read **S.J.R. 213**, a joint resolution honoring the memories of North Carolina's delegation to the Federal Convention of 1787, who ably participated in the framing of the Constitution, and supporting North Carolina's participation in a Conference of the States.

With unanimous consent, the President grants a leave of absence to Senator Hartsell for the remainder of today's Session.

The joint resolution, as amended, passes its second (22–20) and third (23–20) readings and is ordered engrossed and sent to the House of Representatives by special messenger.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 769, Section 25.37 of the 1993 Session Laws, the North Carolina Department of Human Resources submits The Foster Care Report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills and resolutions which are read the first time and ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43, as follows:

H.B. 12 (Committee Substitute), a bill to amend the Constitution of North Carolina to limit members of the legislature to six consecutive terms in a house.

H.B. 140 (Committee Substitute), a bill to revise the penalties for driving a vehicle without insurance.

H.B. 164 (Committee Substitute), a bill to enhance child support collection through voluntary employer reporting of new hires.

H.B. 167, a bill to require the County Commissioners of Macon County to provide adequate funds, personnel and equipment to the Sheriff of Macon County for law enforcement in the County.

H.B. 173, a bill to create a safety zone around Merchants Millpond State Park by prohibiting hunting in the vicinity of the Park.

H.B. 225 (Committee Substitute), a bill to direct the Administrative Office of the Courts to develop an educational program for divorcing couples with children.

H.B. 268, a bill to reconform the mileage reimbursement for out–of–State witnesses to that received by in–State witnesses and State employees.

H.B. 269 (Committee Substitute), a bill to authorize district court judges to sanction parties to equitable distribution proceedings for purposeful, prejudicial delay of the proceedings.

H.B. 272 (Committee Substitute), a bill to allow partial distribution awards prior to final judgment in equitable distribution cases.

H.B. 273 (Committee Substitute), a bill to allow claims for equitable distribution to be resolved either before or after an absolute divorce is granted and to clarify the law concerning the interest in marital property of a subsequent spouse prior to equitable distribution of marital property of former marriage.

H.B. 328 (Committee Substitute), a bill to increase the penalties for failure to give way to an overtaking vehicle.

H.B. 428, a bill to provide for training of treasurers of referendum committees.

H.B. 442, a bill to bring the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Local Governmental Employees' Retirement System, and the Legislative Retirement System into compliance with the Internal Revenue Code and to bring the supplemental retirement income plans for State and local law enforcement officers into compliance with the Uniformed Services Employment and Reemployment Rights Act.

H.J.R. 450, a joint resolution repealing a joint resolution providing for a Declaration of the Federation of the World.

H.B. 494, a bill to increase the penalty for assault upon a law enforcement officer with a firearm.

H.B. 545, a bill to broaden the law providing for the establishment of cartways.

H.J.R. 571 (Committee Substitute), a joint resolution demanding that the federal government cease and desist mandates that are beyond the scope of its constitutionally delegated powers and honoring the memory of Richard Dobbs Spaight, William Blount, and Hugh Williamson.

H.B. 601, a bill to simplify the licensing requirements for certain pesticide applicators.

H.B. 602 (Committee Substitute), a bill to provide for a referendum on the repeal of the Charter of the Town of Sandyfield.

H.B. 642 (Committee Substitute), a bill to increase the size of the Board of Commissioners of Edgecombe County from five to seven members and provide for the electoral districts.

H.B. 673 (Committee Substitute), a bill to change the compositions, appointments, and terms of various boards, commissions, and authorities within State government.

H.B. 713, a bill to permit the personal use of Matthews police cars within specific areas.

H.B. 730 (Committee Substitute), a bill to prevent frivolous medical malpractice actions by requiring that expert witnesses in medical malpractice cases have appropriate qualifications to testify on the standard of care at issue and to require expert witness review as a condition of filing a medical malpractice action.

H.B. 789, a bill to allocate the duties of roller skating rink operators and the duties of roller skaters at roller skating rinks as these duties relate to safety and liability for personal injury.

H.B. 792, a bill to direct the Utilities Commission to provide that each franchised natural gas distribution company shall expand service to all areas of its franchise territory within three years or lose its exclusive rights to the franchise territory.

H.B. 817 (Committee Substitute), a bill to encourage the performance of environmental audits by providing a limited privilege against the disclosure of an environmental audit report and to grant immunity from civil and criminal penalties to a person or other entity that voluntarily discloses a violation of an environmental law.

H.B. 821 (Committee Substitute), a bill to include encouragement of breast feeding in services provided by the State maternal and child health program.

H.J.R. 850 (Committee Substitute), a joint resolution honoring the memory of Colonel Henry Eli Kendall, Jr., for his commitment to conservative and effective utilization of public funds during his service as Chair of the Employment Security Commission, and requesting Congress to devolve the Unemployment Insurance System back to State control.

H.B. 871, a bill to authorize the State Board of Education to appoint assistance teams to low performing schools.

H.B. 878, a bill to require parental consent for services provided at school–based health clinics and to limit the scope of the services provided.

H.B. 895 (Committee Substitute), a bill to provide notice of federal mandates by requiring the certification of proposed legislation and rules purported to be required by federal law, to provide for review by the Governor of administrative rules that would increase or decrease expenditures or revenues of units of local government, to amend the Local Government Fiscal Information Act to require the preparation of fiscal notes for certain proposed legislation, and to provide for the compilation of the costs of federal mandates on the expenditures and revenues of State government and local governments.

H.B. 899, a bill to provide for disposal of abandoned property by landlords and to amend the law of summary ejectment by reducing the time allowed for a

defendant to appear in court, by allowing a landlord to have unclaimed property of an ejected tenant placed at the nearest public right–of–way, and by revising the application of the retaliatory eviction defense.

H.B. 906 (Committee Substitute), a bill to ensure that educational materials that are educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of the students are removed from the public schools.

H.B. 914 (Committee Substitute), a bill to modify the appointment and conditions of office of members of the Boards of Trustees of Community Colleges.

H.B. 917 (Committee Substitute), a bill to enact the Literacy Restoration Act of 1995.

H.B. 923 (Committee Substitute), a bill to provide that certain cities may allow pawnbrokers only with a special use permit.

H.B. 934, a bill to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources and related laws.

On motion of Senator Basnight, seconded by Senator Cochrane, the Senate adjourns at 4:23 P.M. to meet Monday, May 15, at 7:00 P.M.

SIXTY–THIRD DAY

SENATE CHAMBER,
Monday, May 15, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Harmon Smith of Brogden Chapel Free Will Baptist Church in Dudley, as follows:

"Father God! I pray that You will send your blessings on this body of legislators. Let them have a compassionate heart during this time of decision making. Give them the spirit of understanding in all the bills before them. We ask that You share Your Wisdom with them as they look to You for direction. Guide them as they prepare the future of our State and set the rules and regulations that will affect our children. I thank You for what has been done and what is going to be accomplished tonight. I pray that everything will be done according to Your plan.

"In Jesus' Name, Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Smith due to hospitalization; to Senator Webster; to Senator Jordan; to Senator Hartsell to attend a meeting of the Cabarrus County Commissioners; to Senator Hoyle due to business; to Senator Hobbs for personal business; and to Senator Simpson detained because of business.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, May 11, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Warner Hall of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 375, an act to remove the limitation on funding for the per diem costs of inmates housed out–of–State. (Ch. 81)

H.B. 381 (Committee Substitute No. 2), an act to grant the Town of Apex and the Town of Mooresville a temporary exemption from the total amount of noncontiguous territory that may be annexed. (Ch. 82)

H.B. 519, an act to allow the trapping and killing of red wolves by owners of private land in Beaufort and Craven Counties. (Ch. 83)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and, without objection, ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43, as follows:

H.B. 220 (Committee Substitute), a bill requiring just compensation for taking of outdoor advertising.

H.B. 270 (Committee Substitute), a bill to make changes in the laws pertaining to alimony.

H.B. 495 (Committee Substitute No. 2), a bill to make it a felony in Alamance, Cumberland, Davie, Davidson, Gaston, Guilford, Lincoln, Mecklenburg, Union, and Wake Counties to injure or kill a law enforcement or fire investigation agency animal, to create a new offense for assault with a firearm upon a law enforcement or fire investigation agency animal, and to create a new offense for simple assault or simple assault and battery upon a law enforcement or fire investigation agency animal.

H.B. 552, a bill to close a loophole in the Minimum Housing Standards Act as it applies to large urban cities where the owner of substandard property can avoid orders to repair, remove, or demolish the unit by simply closing it.

H.B. 568, a bill to clarify and improve sanctions for willful failure to disclose prior damage to a motor vehicle.

H.B. 619 (Committee Substitute), a bill to exempt the Charlotte–Mecklenburg, Franklin, Johnston, and Nash School Administrative Units from certain statutory requirements in some school construction contracts.

H.B. 835, a bill to amend the General Statutes relating to civil actions brought to recover from third parties State funds expended on medical care.

H.B. 855 (Committee Substitute), a bill to update and revise the laws affecting local government contracting.

H.B. 879 (Committee Substitute), a bill to amend the State's gun laws by preempting local regulation.

H.B. 910, a bill to require the use of certain safety equipment by children when they are bicycle operators or passengers.

H.B. 911, a bill to abolish the public financing of political candidates.

H.B. 935 (Committee Substitute), a bill to require that all entrances and exits in domiciliary care facilities be equipped with alarms and that the Department of Human Resources develop proposed rules and report to the North Carolina Study Commission on Aging.

H.B. 955, a bill to increase educational opportunity by authorizing the creation and funding of charter schools, which are deregulated schools under public control.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 543 (Committee Substitute), a bill making a qualified exception from the Public Records Act for the Dare County Geographical Information System, changing the title, upon concurrence, to read **H.B. 543** (Senate Committee Substitute), a bill making a qualified exception from the Public Records Act for the Dare County and Pamlico County Geographical Information Systems.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 204 (Committee Substitute), a bill to ensure representation of both for-profit and nonprofit institutions on the State Board of Examiners for Nursing Home Administrators, on tonight's Calendar.

With unanimous consent, on motion of Senator Albertson, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the Committee Substitute bill is postponed until Tuesday, May 16.

H.B. 632, a bill to provide that the laws relating to motor vehicles apply within the Carolina Trace Community in Lee County.

On motion of Senator Speed, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 213 (Committee Substitute), a bill concerning the collection of delinquent truck penalties and assessed taxes and the consolidation of the various provisions concerning overweight vehicles.

The Committee Substitute bill passes its second reading (31–11).

Senator Gulley objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 16, for further consideration upon third reading.

H.B. 456 (Committee Substitute), a bill to create the North Carolina Progress Board.

With unanimous consent, on motion of Senator Odom, consideration of the Committee Substitute bill is postponed until Wednesday, May 17.

H.B. 554, a bill to provide for flags to signal the presence of skiers and other persons in the water.

With unanimous consent, on motion of Senator Odom, consideration of the bill is postponed until Wednesday, May 17.

H.B. 750 (Committee Substitute), a bill to allow the use of State trucks and vans for the State Games of North Carolina.

On motion of Senator Speed, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (35–8) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

RESOLUTION FROM ANOTHER STATE

The following resolution received May 12, 1995, from another Legislative Body is presented to the Senate and is ordered filed in the Office of the Principal Clerk with the papers of the Senate:

Kansas House Concurrent Resolution 5008, stating that Kansas claims sovereignty under the 10th Amendment to the Constitution of the United States, and this resolution serves as notice and demand to the federal government to cease and desist mandates that are beyond the scope of its constitutionally delegated powers. (*See Appendix*).

The President extends courtesies of the floor to Joe B. Raynor, former Senator from Cumberland County.

PAGES

The President recognizes the following pages serving in the Senate this week:

David Aaron Allsbrook, Raleigh; Kristopher Brooks Davis, Fayetteville; Melvin DeRae Dove, Raleigh; Larry V. Quentin Edwards, Louisburg; Ashley McRainey Forde, Laurinburg; Shana LaVerne Fulton, Garner; Mary Kristen Grice, Gastonia; Aden Culain Guthrie, Mountain Home; Cooper Healey, Chapel Hill; Nicholle Herbert, Southern Pines; Tiffany Chanel Jeffers, Burlington; Chenita MyKeal Joyner, La Grange; Andrea Kimberly King, Raleigh; Lucille J. Pittman, Raleigh; Sarah Lynn Shaver, Hillsborough; Allison Smith, Raleigh; Meagan Lynn Wilkie, Boone; and Brandi Nicole Wilson, Burlington.

APPOINTMENT TO SELECT COMMITTEE

S.B. 971

Senator Basnight, President *Pro Tempore*, announces the appointment of the following Senators to a **Select Review Committee on S.B. 971** (Committee Substitute), a bill to amend the Constitution of North Carolina to provide for gubernatorial appointment of Justices of the Supreme Court and Judges of the Court of Appeals and retention by vote of the people: Senator Odom, Chairman, Senator Ballance, Senator Ballantine, Senator Cochrane, Senator Cooper, Senator Gulley, Senator Hartsell, Senator Kincaid, Senator Rand, Senator Simpson, and Senator Winner.

On motion of Senator Basnight, seconded by Senator Clark, the Senate adjourns at 7:50 P.M. to meet tomorrow, Tuesday, May 16, at 4:30 P.M.

SIXTY-FOURTH DAY

SENATE CHAMBER,
Tuesday, May 16, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, there are some, though they believe in You, who think that You are an indifferent God. Having set this world in motion, these people would say that You now sit high and lifted up leaving us to fend for ourselves.

"The reality, Dear God, is that it is we who too often act indifferently to You and to each other. Forgive us for always looking and listening for Your Presence in the lightning and thunder and on some distant mountaintop, when You are so abundantly available to us here and now.

"Empower us with Your Presence, then let us live this day knowing that You are our constant companion. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization and to Senator Hobbs due to personal business.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, May 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. James N. Thompson, Dean of the Bowman Gray School of Medicine in Winston-Salem, who is serving the Senate as Doctor of the Day.

The President extends courtesies of the floor to Dr. Ling, Malaysian Minister of Transport; Dr. Lim, Principal of Tunku Abdul Rahman College in Kuala Lampur, Malaysia; and to Dr. Norman A. Wiggins, President of Campbell University in Buies Creek. With unanimous consent, Dr. Ling approaches the Well of the Senate and briefly addresses the members of the Senate. Following Dr. Ling's remarks, the President presents to him a North Carolina State flag and escorts him to a seat.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 651 (Senate Committee Substitute), an act to allow the Towns of Kill Devil Hills, Kitty Hawk, Nags Head, and Southern Shores to regulate noise in the Atlantic Ocean and other waterways adjacent to that portion of the Towns within their boundaries or within their extraterritorial jurisdiction. (Ch. 84)

With unanimous consent, the President grants a leave of absence to Senator Sherron for the remainder of today's Session.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 643, a bill to redefine the boundaries of the Heartsease Fire Tax District and the Harrison Fire Tax District in Edgecombe County.

The bill is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 627, a bill relating to the employment preference given by Catawba County to veterans who apply for county employment.

The bill passes its second and third readings and is ordered enrolled.

H.B. 204 (Committee Substitute), a bill to ensure representation of both for–profit and nonprofit institutions on the State Board of Examiners for Nursing Home Administrators.

The Committee Substitute bill passes its second (41–0) and third readings and is ordered enrolled.

H.B. 213 (Committee Substitute), a bill concerning the collection of delinquent truck penalties and assessed taxes and the consolidation of the various provisions concerning overweight vehicles, upon third reading.

With unanimous consent, on motion of Senator Gulley, further consideration of the Committee Substitute bill is postponed until Thursday, May 18.

REPORT TO GENERAL ASSEMBLY

Agencies directed to report to the General Assembly submit a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

The North Carolina Department of Revenue, along with the Office of the State Controller, and the Office of State Budget and Management, submit the State of North Carolina Summary of Financial Condition, April 30, 1995.

On motion of Senator Basnight, seconded by Senator Odom, the Senate adjourns at 5:04 P.M. to meet tomorrow, Wednesday, May 17, at 2:00 P.M.

SIXTY–FIFTH DAY

SENATE CHAMBER,
Wednesday, May 17, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, quoting the Reverend Peggy Haynes from "Be Thou Present," as follows:

"God of all Glory and of all Grace, hear our prayers this day. Let our praise for You be not merely lip–service, but go heart–deep. May our prayers be not only lists of wants, but also conversations grounded in commitment. May our faith be extended beyond this time and place so to be woven into the very fabric of our lives.

"By faith, may we hear Your call.

"By grace, may we answer Your call. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization and to Senator Odom due to the death of his father.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, May 16, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. David S. Johnson of Durham, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 118, an act to clarify that unpaid volunteer medical directors for emergency medical services (EMS) agencies are covered by the good samaritan statute. (Ch. 85)

H.B. 204 (Committee Substitute), an act to ensure representation of both for-profit and nonprofit institutions on the State Board of Examiners for Nursing Home Administrators. (Ch. 86)

H.B. 627, an act relating to the employment preference given by Catawba County to veterans who apply for county employment. (Ch. 87)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 413 (House Committee Substitute), a bill to authorize the conversion of savings associations and savings banks into commercial banks, for concurrence in the House Committee Substitute bill.
Recommitted to the **Commerce Committee.**

The following bills are ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43:

H.B. 142 (Committee Substitute), a bill to make technical changes relating to the repeal of the intangibles tax and to other tax laws.

H.B. 770 (Committee Substitute No. 2), a bill to authorize the creation of county service districts for law enforcement services and to change the requirements for creation of districts covering the entire unincorporated area of a county.

H.B. 993, a bill to implement the recommendations of the Committee on Appropriations by establishing the percentage rates for the insurance regulatory charge and the public utility regulatory fee.

H.B. 994 (Committee Substitute), a bill to implement the recommendations of the Committee on Appropriations by changing various revenue statutes.

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee:**

H.B. 383, a bill clarifying that the Dare County Board of Commissioners levy taxes on behalf of the Duck Area Beautification District, which is a special district established under Article VII of the Constitution, not a special tax area, with a favorable report.

S.B. 943, a bill to address motor fuel tax evasion and to improve the administration of the motor fuel taxes by changing the point of taxation of gasoline and diesel fuel, to repeal the minimum highway use tax, and to strengthen the enforcement of the road tax paid by motor carrier, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill 9635 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Sherron, the Committee Substitute bill is placed on the Calendar for Thursday, May 18, for further consideration, upon second reading.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 456 (Committee Substitute), a bill to create the North Carolina Progress Board.

With unanimous consent, on motion of Senator Perdue, consideration of the Committee Substitute bill is postponed until Tuesday, May 23.

H.B. 554, a bill to provide for flags to signal the presence of skiers and other persons in the water.

With unanimous consent, on motion of Senator Perdue, consideration of the bill is postponed until Tuesday, May 23.

On motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns at 2:33 P.M. in memory of the father of Senator Odom, Thomas Quitman Odom, to meet tomorrow, Thursday, May 18, at 9:00 A.M.

SIXTY-SIXTH DAY

SENATE CHAMBER,
Thursday, May 18, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Dr. Jack Coffee, Retired Pastor of New Hope Baptist Church in Raleigh, as follows:

"Holy, Majestic and Glorious God, grant that we may now turn our attentions toward You as Yours is always turned toward us. Forbid that what we do now would be a mere order of the day, but make it an experience of power. May we see You, not as One far from us, but as One drawn near in mercy and love. Sensitive to Your Presence, we give You our praise. Aware of our failures and faults, through confession and faith, we claim Your Forgiveness. With knowledge of our blessings, we express our thanks. Even so, O God, we ask now for more.

"These with whom we pray are people with important positions of service. May they strongly feel their responsibility to those by whom they have been elected. But above all else, may they see themselves as ordained by a Holy and Righteous God before Whom they and all others will be accountable. As they lead in governing a people entrusted to their care, may they be led by You. May all their decisions be in keeping with Your Will. In turn, all that is done will be in the best interests of the citizens of our great State, and to Your Glory. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith due to hospitalization; to Senator Odom due to the death of his father; and to Senator Sawyer due to hospitalization.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, May 17, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Michael C. Alston of Murfreesboro, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 108, an act to provide that adoptions shall be in the district court. (Ch. 88)

S.B. 245 (Committee Substitute), an act to authorize the opening of empty lock boxes of decedents outside the presence of the Clerk of Superior Court, as recommended by the General Statutes Commission. (Ch. 89)

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Perdue for the **Appropriations Committee**:

H.B. 229 (Committee Substitute), a bill to appropriate funds for the continuation budget operations of State departments, institutions, and agencies, and for other purposes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Basnight, the rules are suspended, and the proposed Senate Committee Substitute bill 5158 is placed before the Senate for immediate consideration and on his further motion is adopted.

With unanimous consent, on motion of Senator Basnight, the Senate Committee Substitute bill is placed on the Calendar for today in its proper order for consideration upon its passage.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 383, a bill clarifying that the Dare County Board of Commissioners levy taxes on behalf of the Duck Area Beautification District, which is a special district established under Article VII of the Constitution, not a special tax area, upon second reading.

The bill passes its second reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, May 22, for further consideration upon third reading.

S.B. 943 (Committee Substitute), a bill to address motor fuel tax evasion and to improve the administration of the motor fuel taxes by changing the point of taxation of gasoline and diesel fuel, to repeal the minimum highway use tax, and to strengthen the enforcement of the road tax paid by motor carriers, upon second reading.

Senator Kerr offers Amendment No. 1, held not to be material, which is adopted (46–0).

The Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Webster, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, May 22, for further consideration upon third reading.

H.B. 213 (Committee Substitute), a bill concerning the collection of delinquent truck penalties and assessed taxes and the consolidation of the various provisions concerning overweight vehicles, upon third reading.

With unanimous consent, on motion of Senator Gulley, further consideration of the Committee Substitute bill is postponed until Tuesday, May 23.

H.B. 229 (Senate Committee Substitute), a bill to appropriate funds for the continuation budget operations of State departments, institutions, and agencies, and for other purposes, earlier placed on the Calendar for today.

On motion of Senator Perdue, staff of the Fiscal Research Division is granted privileges of the floor for the purpose of assisting in the explanation of the measure.

Senator Plyler offers Amendment No. 1 which is adopted (46–1).

Senator Plyler offers Amendment No. 2 which is adopted (35–8).

Senator Rand offers Amendment No. 3 which is adopted (45–2).

Senator Clark offers Amendment No. 4 which is adopted (44–3).

Following lengthy debate, Senator Perdue calls the previous question, seconded by Senator Plyler. The call is sustained.

The Senate Committee Substitute bill, as amended, passes its second (29–18) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

On motion of Senator Basnight, seconded by Senator Speed, the Senate adjourns at 12:09 P.M. to meet Monday, May 22, at 7:00 P.M.

SIXTY-SEVENTH DAY

SENATE CHAMBER,
Monday, May 22, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, we are grateful that our thoughts and prayers have been answered so that a Member of the Senate family, Senator Paul Smith, is able to return to his duties here.

"In recent days, the Calendars have been full, the schedules quite hectic, and the hours of work have been long for the Lieutenant Governor, Senators, and staff.

"At the outset of another week, grant to them a sacred and peaceful moment of quiet as they take up their duties. Turn their thoughts to You, that they may have wisdom in their decisions, love in their attitudes, and mercy in their judgments.

"And when this time of prayer is over, may they remain dependent on You and seek Your Counsel in all that they do. Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Forrester due to eye surgery; to Senator Edwards; to Senator Winner; to Senator Simpson; to Senator Gulley; and to Senator Perdue.

Senator Smith rises to a point of personal privilege acknowledging appreciation to the Senate for expressions of concern and assistance shown during his hospitilization.

The Senate welcomes Senator Smith with a warm, prolonged standing ovation.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, May 18, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Benton S. Satterfield of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 178, an act to change the pay date for the Alleghany School Administrative Unit. (Ch. 90)

S.B. 289, an act relating to the terms of office of the County Commissioners of Ashe County. (Ch. 91)

S.B. 377, an act including within the definition of an abandoned vehicle those left on certain highways within the City of Winston–Salem for more than forty–eight hours. (Ch. 92)

S.B. 471, an act to provide that the Buncombe County Board of Education shall be elected on a nonpartisan plurality basis on the date of the general election. (Ch. 93)

S.B. 1017, an act to change the name of the Board of Medical Examiners of the State of North Carolina to the North Carolina Medical Board and to make conforming changes throughout the General Statutes. (Ch. 94)

H.B. 543 (Senate Committee Substitute), an act making a qualified exception from the Public Records Act for the Dare County and Pamlico County Geographical Information Systems. (Ch. 95)

H.B. 632, an act to provide that the laws relating to motor vehicles apply within the Carolina Trace Community in Lee County. (Ch. 96)

H.B. 750 (Committee Substitute), an act to allow the use of State trucks and vans for the State Games of North Carolina. (Ch. 97)

COMMITTEE REFERRAL RECALL

S.B. 891, a bill to revise the Solid Waste Management Act of 1989 and related statutes, referred to the **Commerce Committee** on May 1.

Pursuant to Rule 47(b), Senator Parnell offers a motion the bill be taken from the **Commerce Committee** and re–referred to **Agriculture/Environment/Natural Resources Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Commerce Committee** and refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 56 (House Committee Substitute), a bill to repeal antiquated, obsolete, or unconstitutional laws, for concurrence in the House Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration, for concurrence.

The Senate fails to concur in the House Committee Substitute bill (5–35).

Senator Plyler offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

S.B. 295 (House Committee Substitute), a bill to enact a recommendation of the Child Fatality Task Force to clarify the authority of the Building Code Council to adopt provisions requiring the installation of smoke detectors in all residential rental property and to provide for mutual obligations between landlords and tenants regarding the installation and upkeep of smoke detectors, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Thursday, May 25.

H.B. 458 (Committee Substitute), a bill to impose conditions for the restoration or continued enjoyment of a driving privilege after a conviction for driving while impaired or driving while a provisional licensee after consuming drugs or alcohol, and to promote compliance with these conditions.

The Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

H.B. 558, a bill to permit the Town of Catawba to annex areas lying within the corporate boundaries of that Town.

The bill is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

H.B. 574 (Committee Substitute), a bill to incorporate the Town of Land Harbor.

The Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 383, a bill clarifying that the Dare County Board of Commissioners levy taxes on behalf of the Duck Area Beautification District, which is a special district established under Article VII of the Constitution, not a special tax area, upon third reading.

The bill passes its third reading by roll–call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, Foxx, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Smith, Soles, Speed, Warren, and Webster—42.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 943 (Committee Substitute), a bill to address motor fuel tax evasion and to improve the administration of the motor fuel taxes by changing the point of

taxation of gasoline and diesel fuel, to repeal the minimum highway use tax, and to strengthen the enforcement of the road tax paid by motor carriers, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, Foxx, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Smith, Soles, Speed, Warren, and Webster—42.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and, without objection, sent to the House of Representatives by special messenger.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to G.S. 115C–301(g)(2) and 115C–21.1(b), the North Carolina Department of Public Instruction submits its Report on Class Size Overages, Teacher Daily Load Overages, Schools with Class Size Waivers, and Teacher Positions Converted to Other Use.

PAGES

The President recognizes the following pages serving in the Senate this week:

Miriam Rebekkah Coles, Long Beach; Christopher M. Crenshaw, Raleigh; Adrianne Christina Gardner, Smithfield; Anna Bradsher Honeycutt, Raleigh; Hugh David Hulse, Sanford; Allison Kerr, Rutherfordton; Tara Leigh Lupo, Smithfield; Amy Alexandra Nealey, Whiteville; Michael Thomas Pope, Garner; Elizabeth Bradford Tucker, Raleigh; Eric Twining, Charlotte; and Henry Clark Ward, Robersonville.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 56 (House Committee Substitute), a bill to repeal antiquated, obsolete, or unconstitutional laws, with the motion of Senator Plyler prevailing earlier tonight the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Plyler, Chairman, and Senators Rand and Hartsell as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator Cooper, the Senate adjourns at 7:41 P.M. to meet tomorrow, Tuesday, May 23, at 1:00 P.M.

SIXTY-EIGHTH DAY

SENATE CHAMBER,
Tuesday, May 23, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"O God, it is sometimes easier to speak of giving our lives over to Your Holy Care and Guidance than it is to actually trust You with the particulars of those lives, the concrete stuff of our days.

"You have taught us that one who finds life will lose it and one who loses life for Your Sake will find it.

"That's just another way of saying that in giving ourselves up to You, we shall find You in the mundane matters of our lives as well as the holy moments. May it be so today. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Forrester, due to eye surgery, and to Senator Simpson.

Senator Conder, Majority Leader, announces the Journal of yesterday, Monday, May 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Michael John Bartiss of Pinehurst, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 448, an act to improve the administration of justice and promote judicial economy and efficiency within the Appellate Division of the General Court of Justice by providing for full eight-year terms of office when vacancies arise and an election is held other than at the expiration of the prior term. (Ch. 98)

S.B. 771 (Committee Substitute), an act to clarify the status of independent contractors of public hospitals. (Ch. 99)

S.B. 862, an act to provide an exception to the law voiding forum selection provisions in contracts by validating actions commenced pursuant to such provisions with the consent of all parties to the contract. (Ch. 100)

H.B. 383, an act clarifying that the Dare County Board of Commissioners levy taxes on behalf of the Duck Area Beautification District, which is a special district established under Article VII of the Constitution, not a special tax area. (Ch. 101)

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee:**

S.B. 1012, a bill to improve the regulation of petroleum underground storage tanks and the cleanup of leaking petroleum underground storage tanks, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting a bill for concurrence which is read and disposed of, as follows:

S.B. 871 (House Committee Substitute), a bill to provide for the appointment and assignment of emergency recall judges of the Court of Appeals, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Wednesday, May 24.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 456 (Committee Substitute), a bill to create the North Carolina Progress Board.

With unanimous consent, on motion of Senator Parnell, consideration of the Committee Substitute bill is postponed until Thursday, May 25.

H.B. 554, a bill to provide for flags to signal the presence of skiers and other persons in the water.

With unanimous consent, on motion of Senator Odom, consideration of the bill is postponed until Tuesday, May 30.

H.B. 213 (Committee Substitute), a bill concerning the collection of delinquent truck penalties and assessed taxes and the consolidation of the various provisions concerning overweight vehicles, upon third reading.

Senator McDaniel offers Amendment No. 1 which is adopted (25–22).

With unanimous consent, on motion of Senator Gulley, further consideration of the Committee Substitute bill, as amended, is postponed until Wednesday, May 24.

COMMITTEE REFERRAL RECALL

S.B. 1012, a bill to improve the regulation of petroleum underground storage tanks and the cleanup of leaking petroleum underground storage tanks, referred to the **Finance Committee** earlier today.

Pursuant to Rule 47(b), Senator Kerr offers a motion the bill be taken from the **Finance Committee** and re–referred to the **Appropriations Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Finance Committee** and refers the measure to the **Appropriations Committee**.

PERSONAL PRIVILEGE

Senator Odom rises to a point of personal privilege and, with unanimous consent, on motion of Senator Plexico, his remarks are spread upon the Journal, as follows:

By Senator Odom:

"Mr. President, Members of the Senate, I rise for a very brief moment of personal privilege. It was almost a year ago today that I stood here on this floor and expressed my appreciation for the signs of support and love that came from this Senate Body upon the death of my mother; and I rise again to say thank you to all of you as a result of the passing of my father last week.

"Senator Smith, you spoke so eloquently last night in your expressions to the folks during your illness, so you know of what I speak here. I wanted to share with you folks a glimpse of my father. And so I took the liberty of putting at your desk his obituary and also a poem that I wrote about him. Senator Cochrane, my father was what I would term a very gentle, yellow-dog Democrat; but you would have loved him, because he never exhibited a mean bone in his body to anyone.

"Though he was crippled, he stood ten feet tall in the eyes of his children. And, Senator Basnight, though he was not formally educated, and I think the only time he ever went to college was to see me graduate, he was one of the smartest men that I ever knew. And I think most importantly about him is the fact that he exemplified the backbone of this nation. He was hard-working; he was honest; he was generous; but most importantly, he taught by deed and not by word. He was a very *uncommon* simple man. Thank you."

On motion of Senator Basnight, seconded by Senator Perdue and Senator Plyler, the Senate adjourns at 1:29 P.M. in memory of the mother of Senator Perdue, Irene Moore, and the brother of Senator Plyler, Wilburn Silas Furr, to meet tomorrow, Wednesday, May 24, at 1:00 P.M.

SIXTY-NINTH DAY

SENATE CHAMBER,
Wednesday, May 24, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, we tend to glorify adulthood and wisdom and worldly prudence, but Holy Scripture reverses all this. Scripture says that the inescapable condition of entrance into divine fellowship is that we become like a little child, tender and full of wonder and unspoiled by hard skepticism on which we often pride ourselves.

"God, You have sent children into the world not only to replenish it, but also to serve as sacred reminders of something unspeakably precious which we are always in danger of losing.

"In all the important decisions we must make that involve the well-being of other people, give us the heart of a child to help as we make up our adult minds. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Forrester due to eye surgery; to Senator Simpson; and to Senator East.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, May 23, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Walter L. Wright of Kinston, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Commerce Committee:**

H.B. 47 (Committee Substitute No. 2), a bill to make various amendments to the law regarding the licensing of electrical contractors, with a favorable report.

H.B. 97, a bill to remove the sunset on reverse mortgages, with a favorable report.

H.B. 63 (Committee Substitute No. 2), a bill to provide for a specialty license for transport refrigeration contractors, to change the composition of the licensing board, and to amend other provisions of the law governing refrigeration contractors, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the proposed Senate Committee Substitute bill 4165 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Jordan for the **Local Government and Regional Affairs Committee**:

H.B. 470, a bill to make a technical correction to the New Bern civil service provisions for police to delete old repealed material inadvertently appearing in a 1993 rewrite, with a favorable report.

H.B. 578 (Committee Substitute), a bill making a qualified exception from the Public Records Act for the Salisbury Geographical Information System, with an

unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Jordan, the rules are suspended, and the proposed Senate Committee Substitute bill 2173, which changes the title, upon concurrence, to read **H.B. 578** (Senate Committee Substitute), a bill making a qualified public records exception from the Public Records Act for the Geographical Information Systems of the Cities of Concord, Greensboro, High Point, and Salisbury and Cabarrus, Cumberland and Guilford Counties, is placed before the Senate for immediate consideration

On motion of Senator Jordan, the Senate Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Thursday, May 25, for further consideration.

H.B. 638, a bill to permit the City of Sanford to convey certain parcels of real property at private sale, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Jordan, the rules are suspended, and the proposed Senate Committee Substitute bill 4167, which changes the title, upon concurrence, to read **H.B. 638** (Senate Committee Substitute), a bill to permit the City of Sanford and the Graham County Board of Education to convey certain parcels of real property at private sale, to allow Montgomery County to acquire property for use by Montgomery Community College and to authorize the Montgomery Community College Board of Trustees to convey property to the County in connection with improvement and repair of the property, is placed before the Senate for immediate consideration.

On motion of Senator Jordan, the Senate Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Thursday, May 25, for further consideration.

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 882, a bill to provide that the North Carolina Industrial Commission perform investigations and other related activities regarding cases of suspected fraud and violations related to workers' compensation claims, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 7678 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Thursday, May 25, for further consideration.

H.B. 400, a bill to authorize the State Board of Certified Public Accountant Examiners to seek injunctive relief, with a favorable report.

H.B. 409 (Committee Substitute), a bill to add certain drugs to the controlled substances law, with a favorable report.

By Senator Conder for the **Pensions and Retirement/Insurance/State Personnel Committee**:

H.B. 749, a bill to amend the procedure for sending insurance agents and companies notices and requests for cancellation of insurance contracts by insurance premium finance companies, with a favorable report.

H.B. 606 (Committee Substitute), a bill to clarify the duties of the trustee of an irrevocable life insurance trust, with a favorable report, as amended.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 229
(Senate Committee Substitute)

House of Representatives
May 23, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute to **HB 229**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUATION BUDGET OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, the Speaker has appointed as conferees on the part of the House, Representative Holmes, Chairman; Representatives Russell, Daughtry, Esposito, Creech, Ives, Lemmond, Hayes, Gardner, Mitchell, Weatherly, Grady, Preston, Bowie, Barbee, Justus, Thompson, Cummings, Culpepper, Crawford, and Nye to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 56
(House Committee Substitute)

House of Representatives
May 23, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **SB 56**, A BILL TO BE ENTITLED AN ACT TO REPEAL ANTIQUATED, OBSOLETE, OR UNCONSTITUTIONAL LAWS, the Speaker has appointed as conferees on the part of the House, Representative Daughtry, Representative Justus, and Representative Culpepper to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

COMMITTEE REFERRAL RECALL

S.B. 584, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University, referred to the **Appropriations Committee** on April 4.

Pursuant to Rule 47(b), Senator Odom, Chairman of the **Base Budget Committee**, offers a motion the bill be taken from the **Appropriations Committee** and

re-referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and refers the measure to the **Finance Committee.**

CONFERENCE REPORT

H.B. 373

Senator Conder for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 373**, a bill to prohibit the running of deer by dogs in the Town of Southern Shores, which Senate Amendment proposes to change the title, upon concurrence, to read **H.B. 373**, a bill to prohibit the running of deer by dogs in the Town of Southern Shores and to prohibit the taking of deer with dogs in a portion of Richmond County, submits the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 373, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RUNNING OF DEER BY DOGS IN THE TOWN OF SOUTHERN SHORES AND TO PROHIBIT THE TAKING OF DEER WITH DOGS IN A PORTION OF RICHMOND COUNTY, submit the following report:

The House concurs in Senate Amendment #1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: May 4, 1995.

Conferees for the Senate	*Conferees for the House of Representatives*
S/John H. Carrington	S/Bill Culpepper
S/J. Richard Conder	Hugh A. Lee
S/Luther Henry Jordan, Jr.	S/John M. Nichols
S/Aaron W. Plyler	

The undersigned conferee does not agree or consent to the above conference report and refuses to sign same. S/Hugh Lee

On motion of Senator Conder, the Conference Report is adopted (46-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

COMMITTEE REFERRAL RECALL

H.B. 602 (Committee Substitute), a bill to provide for a referendum on the repeal of the Charter of the Town of Sandyfield, ordered held in the Office of the Principal Clerk on May 11.

Senator Rand offers a motion Rule 43 be suspended to the end the Committee Substitute bill be recalled from the Office of the Principal Clerk and placed on the Calendar for Thursday, May 25, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Office of the Principal Clerk and places it on the Calendar for Thursday, May 25, for consideration upon its passage.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 213 (Committee Substitute), a bill concerning the collection of delinquent truck penalties and assessed taxes and the consolidation of the various provisions concerning overweight vehicles, as amended, upon third reading.

Senator Hoyle offers a motion that the vote by which the Committee Substitute bill passed its second reading be reconsidered, which motion prevails.

Senator Hoyle offers a motion that the vote by which the Amendment No. 1 was adopted be reconsidered.

Following debate, Senator Hoyle calls the previous question, seconded by Senator Conder. The call is sustained (34–12).

The motion to reconsider the vote by which Amendment No. 1 was adopted prevails (24–22), and the question becomes the adoption of Amendment No. 1.

Following lengthy debate, Senator Gulley calls the previous question, seconded by Senator Odom. With unanimous consent, the call is sustained.

Amendment No. 1, offered by Senator McDaniel on May 23, fails of adoption (21–25).

The Committee Substitute bill passes its second (37–9) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 174 (Committee Substitute), a bill to provide for notification to owners and residents of land adjoining land on which a pesticide is applied by aerial application of the aerial application of the pesticide, as written by the **Agriculture/ Environment/Natural Resources Committee**, with a favorable report.

H.B. 520 (Committee Substitute), a bill to revise and consolidate the Charter of the Town of Waynesville, with a favorable report.

H.B. 517, a bill to amend the law prohibiting the discharge of firearms on registered land in Vance County by providing for registration at any time and by eliminating the requirement that registration be renewed annually, with a favorable report, as amended.

H.B. 592, a bill to amend the law prohibiting the discharge of firearms on registered land in Granville County by providing for registration at any time, by eliminating the requirement that registration be renewed annually, and by providing that a registrant must furnish the posted notices required to comply with the law, with a favorable report, as amended.

By Senator Plexico for the **Education/Higher Education Committee**:

H.B. 235, a bill to make technical and clarifying changes to laws concerning the School Administrator Standards Board and to extend to 1998 the date for implementation of the Standards Board Exam, with a favorable report.

H.B. 666, a bill to change the pay date for the Cherokee County schools, with a favorable report.

COMMITTEE REFERRAL RECALL

S.J.R. 945, a joint resolution setting the date for the House of Representatives and Senate to elect members to the State Board of Community Colleges, referred to the **Rules and Operation Committee** on May 2.

Pursuant to Rule 47(b), Senator Rand offers a motion the joint resolution be taken from the **Rules and Operation Committee** and placed before the Senate for immediate consideration upon its passage, which motions prevail.

The Chair orders the joint resolution recalled from the **Rules and Operation Committee** and places it before the Senate for immediate consideration upon its passage.

Senator Winner offers Amendment No. 1 which is adopted (45–1).

The joint resolution, as amended, passes its second (45–0) and third readings and is ordered engrossed and sent to the House of Representatives.

CALENDAR (Continued)

S.B. 871 (House Committee Substitute), a bill to provide for the appointment and assignment of emergency recall judges of the Court of Appeals, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46–0) and the measure is ordered enrolled.

EXECUTIVE ORDER

An Executive Order received (*See Appendix*) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 78, North Carolina Human Service Transportation Council.

Referred to **Rules and Operation of the Senate Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 229 (Senate Committee Substitute), a bill to appropriate funds for the continuation budget operations of State departments, institutions, and agencies,

and for other purposes, with a message from the House of Representatives received earlier today requesting conferees.

Pursuant to the message from the House of Representatives requesting conferees, Senator Basnight offers a motion the Senate do appoint conferees, which motion prevails.

With unanimous consent, the rules are suspended and the President *Pro Tempore* appoints Senators Plyler, Perdue, and Odom, Co–Chairmen, and Senators Plexico, Winner, Martin of Guilford, Martin of Pitt, Warren, Ballance, Hoyle, Rand, Conder, Edwards, Little, Davis, and Hartsell, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns at 2:01 P.M. to meet tomorrow, Thursday, May 25, at 1:00 P.M.

SEVENTIETH DAY

SENATE CHAMBER,
Thursday, May 25, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, one of the great personalities of the early church was Your Servant, Barnabas, whose name means 'son of encouragement.' He was a significant leader because he lived out his name. He was an encourager.

"We, too, have the same opportunity to be people who listen, who care, who affirm; people who help and support one another; people who lift and build up. The choice is ours.

"Dear Lord, help us to be sons and daughters of encouragement this day. We pray in the Name of the One who gives us every reason to do so. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Forrester due to eye surgery; to Senator Simpson; to Senator East; and to Senator Jordan.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, May 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Robert L. Wortman of Greenville, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 41 (Committee Substitute), an act to provide a procedure for eliminating frivolous lawsuits by prisoners. (Ch. 102)

S.B. 362 (Committee Substitute), an act relating to appointments to the Sheriffs' Education and Training Standards Commission, amending the laws relating to the powers of and appeals before the Sheriffs' Education and Training Standards Commission, and otherwise pertaining to Chapter 17E of the General Statutes. (Ch. 103)

S.B. 535, an act to establish the appointive office of Tax Collector for Buncombe County and the City of Asheville upon the expiration of the term of the present elected Tax Collector and to authorize the joint or separate appointment of a Tax Collector for the County and City. (Ch. 104)

S.B. 636, an act to modify the distribution of profits from the ABC system in the City of Hendersonville. (Ch. 105)

S.B. 639, an act to allow the City of Hendersonville to donate unclaimed bicycles to charity. (Ch. 106)

S.B. 640, an act changing the election of members of the McDowell County Board of Education from May to November. (Ch. 107)

S.B. 871 (House Committee Substitute), an act to provide for the appointment and assignment of emergency recall judges of the Court of Appeals. (Ch. 108)

H.B. 213 (Committee Substitute), an act concerning the collection of delinquent truck penalties and assessed taxes and the consolidation of the various provisions concerning overweight vehicles. (Ch. 109)

H.B. 373, an act to prohibit the running of deer by dogs in the Town of Southern Shores and to prohibit the taking of deer with dogs in a portion of Richmond County. (Ch. 110)

CONSENT TO APPOINTMENTS OF GOVERNOR

Senator Albertson, Chairman of the **Agriculture/Environment/Natural Resources Committee**, submits the following report:

In compliance with the provisions of General Statute 106–2 requiring appointees to the North Carolina Board of Agriculture to be confirmed by the General Assembly, Governor Hunt has submitted his appointees for confirmation. These appointees are: Richard W. Vaughn of Lasker; C. Osmond Kearney, Jr., of Snow Hill; and Sam McLawhorn of Grifton. Their terms will begin immediately and will expire on May 1, 2001.

The Senate Committee on Agriculture/Environment/Natural Resources has considered the appointments and makes the following recommendation to the General Assembly:

That the appointments of Richard W. Vaughn; C. Osmond Kearney, Jr.; and Sam McLawhorn to the North Carolina Board of Agriculture, beginning immediately and expiring May 1, 2001, be confirmed.

On motion of Senator Albertson, the Senate adopts the committee report and consents to the appointments of the Governor to membership on the State Board of Agriculture by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Smith, Soles, Speed, Warren, Webster, and Winner—42.

Voting in the negative: None.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action and the Governor notified of the consent of the Senate to the appointments.

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 134 (Committee Substitute), a bill to make technical and clarifying changes to the motor vehicle laws and other laws concerning the Department of Transportation, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 5162, which changes the title, upon concurrence, to read **H.B. 134** (Senate Committee Substitute), a bill to make technical and clarifying changes to the motor vehicle laws and other laws concerning the Department of Transportation, and to validate certain recorded instruments where seals have been omitted, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 29, for further consideration.

S.B. 947, a bill to authorize the Department of Justice to provide criminal record checks to domiciliary care facilities, home care agencies, hospices, licensed child placing agencies, residential child care facilities, and other providers of treatment for or services to children, the elderly, and the sick and disabled, with a favorable report.

On motion of Senator Winner, the bill is re-referred to the **Finance Committee**.

CALENDAR

S.B. 882 (Committee Substitute), a bill to provide that the North Carolina Industrial Commission perform investigations and other related activities regarding

cases of suspected fraud and violations related to workers' compensation claims, on today's Calendar.

With unanimous consent, on motion of Senator Martin of Pitt, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, is re-referred to the **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 550 (Committee Substitute), a bill to allow Randolph County to acquire property for use by the County Board of Education.

The Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 520 (Committee Substitute), a bill to revise and consolidate the Charter of the Town of Waynesville, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Soles, Speed, Warren, Webster, and Winner—43.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, May 29, for further consideration, upon third reading.

H.B. 470, a bill to make a technical correction to the New Bern civil service provisions for police to delete old repealed material inadvertently appearing in a 1993 rewrite.

The bill passes its second and third readings and is ordered enrolled.

H.B. 517, a bill to amend the law prohibiting the discharge of firearms on registered land in Vance County by providing for registration at any time and by eliminating the requirement that registration be renewed annually.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 578 (Committee Substitute), a bill making a qualified exception from the Public Records Act for the Salisbury Geographical Information System, changing the title, upon concurrence, to read **H.B. 578** (Senate Committee Substitute), a bill

making a qualified public records exception from the Public Records Act for the Geographical Information Systems of the Cities of Concord, Greensboro, High Point, and Salisbury and Cabarrus, Cumberland and Guilford Counties.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 592, a bill to amend the law prohibiting the discharge of firearms on registered land in Granville County by providing for registration at any time, by eliminating the requirement that registration be renewed annually, and by providing that a registrant must furnish the posted notices required to comply with the law.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 602 (Committee Substitute), a bill to provide for a referendum on the repeal of the Charter of the Town of Sandyfield.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 638, a bill to permit the City of Sanford to convey certain parcels of real property at private sale, changing the title, upon concurrence, to read **H.B. 638** (Senate Committee Substitute), a bill to permit the City of Sanford and the Graham County Board of Education to convey certain parcels of real property at private sale, to allow Montgomery County to acquire property for use by Montgomery Community College and to authorize the Montgomery Community College Board of Trustees to convey property to the County in connection with improvement and repair of the property.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 666, a bill to change the pay date for the Cherokee County schools.

The bill passes its second and third readings and is ordered enrolled.

COURTESIES

Upon the arrival of distinguished guests at the door, Senator Basnight, President *Pro Tempore*, appoints Senator Ballance, Senator Carrington, Senator Cochrane, Senator Gulley, Senator Plyler, and Senator Lucas as an escort committee to escort the visitors from Swaziland, Ghana, and Zambia to the Well of the Senate. Senator Ballance presents Dumisani Masanga from Swaziland; Edward Dlamini, Member of Parliament from Swaziland; Kenneth Dzirasah, First Deputy Speaker of Parliament from Ghana; Ernest Mwansa, Member of Parliament from Zambia; and Samuel Donkos, Deputy Minority Leader of Parliament from Ghana. The Chair recognizes Kenneth Dzirasah who offers brief remarks to the members of the Senate. Following the remarks, the President of the Senate, Lieutenant Governor Wicker, presents a North Carolina flag to each visitor. The Chair directs the committee to escort the visitors from the Chamber.

CALENDAR (Continued)

S.B. 174 (Committee Substitute), a bill to provide for notification to owners and residents of land adjoining land on which a pesticide is applied by aerial application of the aerial application of the pesticide.

With unanimous consent, on motion of Senator Albertson, consideration of the Committee Substitute bill is postponed until Monday, May 29.

COMMITTEE REFERRAL RECALL

S.B. 584, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University, referred to the **Finance Committee** on May 24.

Pursuant to Rule 47(b), Senator Perdue offers a motion the bill be taken from the **Appropriations Committee** and re-referred to the **Finance Committee**, which motions are ruled out of order by the Chair, and the bill remains in the **Finance Committee**.

H.B. 994 (Committee Substitute), a bill to implement the recommendations of the Committee on Appropriations by changing various revenue statutes, ordered held in the Office of the Principal Clerk for referral by the Chairman of the **Rules and Operation of the Senate Committee** on May 17.

Pursuant to Rule 47(b), Senator Perdue offers a motion the Committee Substitute bill be taken from the **Appropriations Committee** and re-referred to the **Finance Committee**, which motions are ruled out of order by the Chair and the bill remains in the Office of the Principal Clerk pending referral pursuant to Rule 43.

S.B. 917, a bill to appropriate funds for the Agriculture Cost Share Program for Nonpoint Source Pollution Control to be used for capital expenses associated with developing agriculture waste management measures, referred to the **Appropriations Committee** on May 1.

Pursuant to Rule 47(b), Senator Perdue offers a motion the bill be taken from the **Appropriations Committee** and re-referred to the **Agriculture/Environment/ Natural Resources Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Conder for the **Pensions and Retirement/Insurance/State Personnel Committee**:

S.B. 905, a bill to affect the membership of the State Fire and Rescue Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Conder, the rules are suspended, and the proposed Committee Substitute bill 4629 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Conder, the Committee Substitute bill is placed on the Calendar for Monday, May 29, for further consideration.

Upon the appearance of Senator Jordan in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR (Continued)

S.B. 174 (Committee Substitute), a bill to provide for notification to owners and residents of land adjoining land on which a pesticide is applied by aerial application of the aerial application of the pesticide, placed earlier today on the Calendar for Monday, May 29.

Senator Jordan offers a motion that the vote by which the motion to place the Committee Substitute bill on the Calendar for Monday, May 29, prevailed be reconsidered, which motion prevails, and the question becomes the Committee Substitute bill upon second reading.

Following debate, Senator Kerr calls the previous question, seconded by Senator Ballance. The call is sustained.

The Committee Substitute bill passes its second reading (35–10).

Senator Gulley objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, May 29, for further consideration upon third reading.

H.B. 47 (Committee Substitute No. 2), a bill to make various amendments to the law regarding the licensing of electrical contractors.

The Committee Substitute bill No. 2 passes its second (44–0) and third readings and is ordered enrolled.

H.B. 97, a bill to remove the sunset on reverse mortgages.

The bill passes its second (43–0) and third readings and is ordered enrolled.

H.B. 235, a bill to make technical and clarifying changes to laws concerning the School Administrator Standards Board and to extend to 1998 the date for implementation of the Standards Board Exam.

The bill passes its second (45–0) and third readings and is ordered enrolled.

H.B. 400, a bill to authorize the State Board of Certified Public Accountant Examiners to seek injunctive relief.

With unanimous consent, on motion of Senator Cooper, consideration of the bill is postponed until Tuesday, May 30.

COMMITTEE REFERRAL RECALL

S.B. 1064, a bill to structure a more effective job–training system for North Carolina and to appropriate funds, referred to the **Appropriations Committee** on May 4.

Pursuant to Rule 47(b), Senator Plyler offers a motion the bill be taken from the **Appropriations Committee** and re–referred to the **Commerce Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and refers the measure to the **Commerce Committee.**

CALENDAR (Continued)

H.B. 409 (Committee Substitute), a bill to add certain drugs to the controlled substances law.

With unanimous consent, on motion of Senator Cooper, consideration of the Committee Substitute bill is postponed until Tuesday, May 30.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Commerce Committee:**

H.B. 301, a bill to provide for the award of State requirements contracts for furniture, with a favorable report.

H.B. 492 (Committee Substitute), a bill to allow the Town of Clayton to use the single–prime contractor or the negotiation method of constructing the Hocutt–Ellington Library addition, with a favorable report.

H.B. 751, a bill to allow a contract between a real estate broker and a real estate salesman to include a provision to reimburse the real estate broker for the cost of including the salesman under the broker's workers' compensation coverage of the broker's business, with a favorable report.

S.B. 723, a bill to require the registration of telephonic sellers in North Carolina and to make the offering of telephone sales recovery services a criminal offense, with a unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the proposed Committee Substitute bill 1724 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Finance Committee.**

By Senator Sherron for the **Finance Committee:**

S.B. 878, a bill to authorize certain airport boards and commissions to own, operate, and finance the purchase and improvement of water and wastewater systems, with a favorable report.

H.B. 69, a bill to allow the Town of Beech Mountain to make street assessments without first receiving a petition, with a favorable report.

H.B. 133 (Committee Substitute No. 2), a bill to enable the County of Columbus to establish an Airport Authority for the maintenance of airport facilities in the County, with a favorable report.

H.B. 178, a bill to provide that Scotland County and the cities located in that County may require issuance of a building permit for the replacement and disposal of roofing, with a favorable report.

H.B. 337, a bill to provide for controlled access community fishing licenses in Transylvania County, with a favorable report.

H.B. 464, a bill to remove from the corporate limits of the Town of Hope Mills a described territory, with a favorable report.

H.B. 680 (Committee Substitute), a bill to incorporate the Town of Mulberry–Fairplains, with a favorable report.

S.B. 662, a bill relating to the Richmond County Board of Commissioners, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill 3657, which changes the title to read **S.B. 662** (Committee Substitute), a bill to allow Richmond County to create fire protection districts in which fire protection is funded by fees rather than taxes, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 29, for further consideration.

H.B. 208 (Senate Committee Substitute), a bill to allow Edgecombe, Greene, Jackson and Madison Counties to acquire property for use by their county boards of education, with an unfavorable report as to Senate Committee Substitute bill No. 1 as written by the **Local Government and Regional Affairs Committee**, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, 1263, which changes the title, upon concurrence, to read **H.B. 208** (Senate Committee Substitute No. 2), a bill to allow Alleghany, Currituck, Edgecombe, Greene, Halifax, Jackson, Madison, Randolph, Scotland, Union, and Wake Counties to acquire property for use by their county boards of education and to clarify that boards of education have the same degree of construction oversight when a county owns the property upon which the school buildings are built as when the local boards own the property, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Senate Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Monday, May 29, for further consideration.

CALENDAR (Continued)

H.B. 456 (Committee Substitute), a bill to create the North Carolina Progress Board.

The Committee Substitute bill passes its second (43–1) and third readings and is ordered enrolled.

H.B. 606 (Committee Substitute), a bill to clarify the duties of the trustee of an irrevocable life insurance trust.

On motion of Senator Conder, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (44–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 749, a bill to amend the procedure for sending insurance agents and companies notices and requests for cancellation of insurance contracts by insurance premium finance companies.

The bill passes its second (44–0) and third readings and is ordered enrolled.

S.B. 295 (House Committee Substitute), a bill to enact a recommendation of the Child Fatality Task Force to clarify the authority of the Building Code Council to adopt provisions requiring the installation of smoke detectors in all residential rental property and to provide for mutual obligations between landlords and tenants regarding the installation and upkeep of smoke detectors, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (43–2) and the measure is ordered enrolled.

REPORT TO GENERAL ASSEMBLY

A commission directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to G.S. 150B–21.10, the North Carolina Rules Review Commission submits its objection to 15A NCAC 7H .0306.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Bills and resolutions received from the House of Representatives on May 10 and May 11 and ordered held in the Office of the Principal Clerk pending referral by the Chairman of the **Rules and Operation of the Senate Committee** pursuant to Rule 43, are referred to committee, as follows:

H.B. 12 (Committee Substitute), a bill to amend the Constitution of North Carolina to limit members of the legislature to six consecutive terms in a house.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 68, a bill to allow the Town of Beech Mountain to require that rental residential dwelling units have smoke detectors and fire extinguishers.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 106 (Committee Substitute), a bill to limit the Speaker of the House of Representatives and the President *Pro Tempore* of the Senate to service in those offices, respectively, to two consecutive General Assemblies.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 140 (Committee Substitute), a bill to revise the penalties for driving a vehicle without insurance.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee** and upon a favorable report, re–referred to the **Finance Committee.**

H.B. 164 (Committee Substitute), a bill to enhance child support collection through voluntary employer reporting of new hires.
Referred to **Commerce Committee.**

H.B. 166, a bill to change the date of election of the Jackson County Board of Education.
Referred to **Education/Higher Education Committee.**

H.B. 167, a bill to require the County Commissioners of Macon County to provide adequate funds, personnel and equipment to the Sheriff of Macon County for law enforcement in the County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 173, a bill to create a safety zone around Merchants Millpond State Park by prohibiting hunting in the vicinity of the Park.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 174 (Committee Substitute), a bill to provide for legislative confirmation of certain executive appointments.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 222, a bill to make a technical correction to G.S. 120–70.2 regarding filling of vacancies on the Joint Legislative Utility Review Committee as recommended by the Joint Legislative Utility Review Committee.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 225 (Committee Substitute), a bill to direct the Administrative Office of the Courts to develop an educational program for divorcing couples with children.
Referred to **Children and Human Resources Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

H.B. 227 (Committee Substitute), a bill to codify the creation by the 1983 General Assembly of the Institute of Medicine.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 265 (Committee Substitute), a bill to allow service of process by a private process server when a proper officer returns service of process unexecuted.
Referred to **Judiciary II/Election Laws Committee.**

H.B. 268, a bill to reconform the mileage reimbursement for out–of–State witnesses to that received by in–State witnesses and State employees.
Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re–referred to the **Appropriations Committee.**

H.B. 269 (Committee Substitute), a bill to authorize district court judges to sanction parties to equitable distribution proceedings for purposeful, prejudicial delay of the proceedings.
Referred to **Judiciary I/Constitution Committee.**

H.B. 272 (Committee Substitute), a bill to allow partial distribution awards prior to final judgment in equitable distribution cases.
Referred to **Judiciary I/Constitution Committee.**

H.B. 273 (Committee Substitute), a bill to allow claims for equitable distribution to be resolved either before or after an absolute divorce is granted and to clarify the law concerning the interest in marital property of a subsequent spouse prior to equitable distribution of marital property of former marriage.

Referred to **Judiciary I/Constitution Committee**.

H.B. 295 (Committee Substitute), a bill to establish priority for payment of liability claims for rental cars under certain circumstances.

Referred to **Commerce Committee**.

H.B. 328 (Committee Substitute), a bill to increase the penalties for failure to give way to an overtaking vehicle.

Referred to **Judiciary II/Election Laws Committee**.

H.B. 333 (Committee Substitute), a bill to provide that a register of deeds who completes service after ten years of eligible service as register of deeds but does not commence retirement from the Local Governmental Employees' Retirement System may receive a monthly pension from the Register of Deeds' Supplemental Pension Fund upon retirement under the Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee**.

H.B. 341, a bill to establish requirements for individuals to report work search efforts in order to remain eligible for unemployment benefits.

Referred to **Commerce Committee**.

H.B. 350, a bill to require the requesting agency to compensate the interpreters for the deaf in certain judicial, legislative, and administrative proceedings.

Referred to **Children and Human Resources Committee.**

H.B. 366 (Committee Substitute), a bill to direct the Utilities Commission to issue certificates of convenience and necessity for natural gas service for all areas of the State for which certificates have not been issued.

Referred to **Commerce Committee**.

H.B. 416, a bill to clarify that immunity from liability for agencies supervising community service work includes claims from persons working under a deferred prosecution agreement, persons on probation and persons on parole.

Referred to **Judiciary I/Constitution Committee**.

H.B. 424 (Committee Substitute), a bill to make technical changes regarding the inspection of elevators and related devices, and regarding the collection of fees therefor.

Referred to **Commerce Committee**.

H.B. 428, a bill to provide for training of treasurers of referendum committees.

Referred to **Judiciary II/Election Laws Committee**.

H.B. 437, a bill to provide for the State of North Carolina to establish a State Veterans Home Program in the Division of Veterans Affairs of the Department of Administration.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 442, a bill to bring the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Local Governmental Employees' Retirement System, and the Legislative Retirement System into compliance with the Internal Revenue Code and to bring the supplemental retirement income plans for State and local law enforcement officers into compliance with the Uniformed Services Employment and Reemployment Rights Act.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

H.B. 446, a bill modifying contract letting procedures and limitations applicable to the Department of Transportation.

Referred to **Transportation Committee.**

H.B. 447 (Committee Substitute), a bill to require an ambulance provider license.

Referred to **Commerce Committee** and upon a favorable report, re–referred to the **Finance Committee.**

H.J.R. 450, a joint resolution repealing a joint resolution providing for a Declaration of the Federation of the World.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 461 (Committee Substitute), a bill to authorize the use of red lights on vehicles transporting blood.

Referred to **Transportation Committee.**

H.B. 467, a bill to increase the criminal penalty for first degree sexual exploitation of a minor and to increase the criminal penalty for promoting prostitution of a minor.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 468, a bill to increase the penalty for the criminal offense of felony child abuse.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 481, a bill to require parental or judicial consent for an unemancipated minor's abortion.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 487, a bill to authorize pilot programs in which students are required to wear uniforms in public schools.

Referred to **Education/Higher Education Committee.**

H.B. 494, a bill to increase the penalty for assault upon a law enforcement officer with a firearm.

Referred to **Judiciary I/Constitution Committee.**

H.B. 515, a bill to clarify the definition of the term "relevant market area" in the motor vehicle dealers and manufacturers licensing law.

Referred to **Commerce Committee.**

H.B. 534, a bill to provide that evidence that a motor vehicle passed a stopped school bus is prima facie evidence that the owner of the vehicle was operating it at the time of the violation.

Referred to **Judiciary I/Constitution Committee.**

H.B. 536 (Committee Substitute), a bill to provide that Gaston County may use the proceeds of its occupancy tax only for economic development to promote travel and tourism.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 545, a bill to broaden the law providing for the establishment of cartways.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 566 (Committee Substitute), a bill to amend the laws relating to the powers of fiduciaries.

Referred to **Judiciary II/Election Laws Committee.**

H.J.R. 571 (Committee Substitute), a joint resolution demanding that the federal government cease and desist mandates that are beyond the scope of its constitutionally delegated powers and honoring the memory of Richard Dobbs Spaight, William Blount, and Hugh Williamson.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 584, a bill to provide for election of the nine members of the Anson County Board of Education from seven single-member districts, plus two at-large members elected by limited voting.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 596 (Committee Substitute), a bill to describe the corporate limits of the City of New Bern.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 601, a bill to simplify the licensing requirements for certain pesticide applicators.

Referred to **Agriculture/Environment/Natural Resources Committee.**

H.B. 634 (Committee Substitute), a bill relating to the authority and jurisdiction of city law enforcement officers while transporting persons in custody within the State.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 637 (Committee Substitute), a bill to amend the law regarding products liability.

Referred to **Judiciary I/Constitution Committee.**

H.B. 639 (Committee Substitute No. 2), a bill to amend the provisions under which the Piedmont Triad Airport Authority regulates parking at the Piedmont Triad International Airport.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 642 (Committee Substitute), a bill to increase the size of the Board of Commissioners of Edgecombe County from five to seven members and provide for the electoral districts.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 645 (Committee Substitute), a bill to provide that local governments may regulate the possession of open containers of alcoholic beverages on public property and the possession of alcoholic beverages on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 673 (Committee Substitute), a bill to change the compositions, appointments, and terms of various boards, commissions, and authorities within State government.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 674 (Committee Substitute), a bill to reduce from eleven to seven the number of Guilford County Commissioners and to redistrict the Guilford County Board of Commissioners, subject to a referendum.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 682 (Committee Substitute), a bill making further sundry amendments concerning local governments in Orange County.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 686 (Committee Substitute), a bill to make changes to the General Statutes pertaining to domestic violence.

Referred to **Judiciary I/Constitution Committee.**

H.B. 690, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue weapon permits in Ashe County.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 710 (Committee Substitute), a bill to provide for partisan elections in the City of High Point, if approved by referendum.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 713, a bill to permit the personal use of Matthews police cars within specific areas.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 730 (Committee Substitute), a bill to prevent frivolous medical malpractice actions by requiring that expert witnesses in medical malpractice cases have appropriate qualifications to testify on the standard of care at issue and to require expert witness review as a condition of filing a medical malpractice action.

Referred to **Judiciary I/Constitution Committee.**

H.B. 744 (Committee Substitute), a bill to require that domiciliary facilities found on inspection to have left a resident unattended be penalized.

Referred to **Children and Human Resources Committee** and upon a favorable report, re–referred to the **Finance Committee.**

H.B. 756, (Committee Substitute), a bill to aid in ensuring that residents in domiciliary care homes are in safe and well-managed facilities.

Referred to **Children and Human Resources Committee.**

H.B. 759, a bill to provide that a home for the aged, sick, or infirm whose property is exempt from property tax is allowed a refund of State and local sales and use taxes.

Referred to **Finance Committee.**

H.B. 774 (Committee Substitute), a bill to amend the Professional Corporation Act to allow collaborative practices between and among physicians and mid-level health care providers.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 783, a bill to permit the issuance of certain permits on school property.

Referred to **Education/Higher Education Committee.**

H.B. 787 (Committee Substitute), a bill to provide for direct payment of licensed pharmacists under health insurance policies and plans.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

H.B. 789, a bill to allocate the duties of roller skating rink operators and the duties of roller skaters at roller skating rinks as these duties relate to safety and liability for personal injury.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 792, a bill to direct the Utilities Commission to provide that each franchised natural gas distribution company shall expand service to all areas of its franchise territory within three years or lose its exclusive rights to the franchise territory.

Referred to **Commerce Committee.**

H.B. 798, a bill to repeal certain requirements pertaining to materials used in conjunction with food consumption.

Referred to **Commerce Committee.**

H.B. 802 (Committee Substitute), a bill to require reciprocal bid preferences.

Referred to **Commerce Committee.**

H.B. 805 (Committee Substitute), a bill to restore minimum penalties for major wildlife offenses and to make other minor revisions to the penalty provisions for wildlife offenses.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 817 (Committee Substitute), a bill to encourage the performance of environmental audits by providing a limited privilege against the disclosure of an environmental audit report and to grant immunity from civil and criminal penalties to a person or other entity that voluntarily discloses a violation of an environmental law.

Referred to **Judiciary I/Constitution Committee.**

H.B. 821 (Committee Substitute), a bill to include encouragement of breast feeding in services provided by the State maternal and child health program.
Referred to **Children and Human Resources Committee.**

H.B. 829 (Committee Substitute), a bill to amend the various grounds for discipline of practitioners of chiropractic by the State Board of Chiropractic Examiners.
Referred to **Judiciary I/Constitution Committee.**

H.B. 831, a bill to allow area mental health authorities to use State funds for the use of more types of facilities and for facilities operated by governmental entities.
Referred to **Children and Human Resources Committee.**

H.B. 832 (Committee Substitute), a bill to clarify the meaning of critical habitat and to limit the designation of critical habitat by the Wildlife Resources Commission.
Referred to **Agriculture/Environment/Natural Resources Committee.**

H.B. 842 (Committee Substitute No. 2), a bill to repeal the current statutes regarding fraudulent conveyances and to adopt the Uniform Fraudulent Transfer Act in order to modernize North Carolina law and harmonize our law on this subject with those states that have adopted this uniform act.
Referred to **Judiciary II/Election Laws Committee.**

H.B. 844 (Committee Substitute), a bill to amend the vital records law.
Referred to **Judiciary II/Election Laws Committee.**

H.B. 848 (Committee Substitute), a bill to require notice to and consultation with the minor's legally responsible person before discharge from treatment of mental illness or substance abuse.
Referred to **Children and Human Resources Committee.**

H.B. 849 (Committee Substitute), a bill to permit the issuance of ABC permits at sports clubs in certain counties.
Referred to **Local Government and Regional Affairs Committee.**

H.J.R. 850 (Committee Substitute), a joint resolution honoring the memory of Colonel Henry Eli Kendall, Jr., for his commitment to conservative and effective utilization of public funds during his service as Chair of the Employment Security Commission, and requesting Congress to devolve the Unemployment Insurance System back to State control.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 851 (Committee Substitute), a bill to make changes with regard to forfeiture of surety bonds.
Referred to **Judiciary II/Election Laws Committee.**

H.B. 868 (Committee Substitute), a bill to establish a fund in the Department of Human Resources to provide grants to licensed private child-placing agencies and public child-placing agencies to place more hard-to-place children.
Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 871, a bill to authorize the State Board of Education to appoint assistance teams to low performing schools.

Referred to **Education/Higher Education Committee**.

H.B. 873, a bill to limit the substances that applicators of pesticides are authorized to apply and to provide for the pesticide applicator's license to be revoked, suspended, or denied for violating this limitation.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 878, a bill to require parental consent for services provided at school-based health clinics and to limit the scope of the services provided.

Referred to **Education/Higher Education Committee**.

H.B. 893 (Committee Substitute), a bill to create uniform procedures for review of mining, hazardous waste, water, and air permit decisions and to streamline the permit review process.

Referred to **Judiciary I/Constitution Committee**.

H.B. 895 (Committee Substitute), a bill to provide notice of federal mandates by requiring the certification of proposed legislation and rules purported to be required by federal law, to provide for review by the Governor of administrative rules that would increase or decrease expenditures or revenues of units of local government, to amend the Local Government Fiscal Information Act to require the preparation of fiscal notes for certain proposed legislation, and to provide for the compilation of the costs of federal mandates on the expenditures and revenues of State government and local governments.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 897 (Committee Substitute), a bill to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives.

Referred to **Rules and Operation of the Senate Committee**.

H.B. 899, a bill to provide for disposal of abandoned property by landlords and to amend the law of summary ejectment by reducing the time allowed for a defendant to appear in court, by allowing a landlord to have unclaimed property of an ejected tenant placed at the nearest public right-of-way, and by revising the application of the retaliatory eviction defense.

Referred to **Judiciary II/Election Laws Committee**.

H.B. 905 (Committee Substitute), a bill to clarify the civil remedies available for returned checks.

Referred to **Judiciary I/Constitution Committee**.

H.B. 906 (Committee Substitute), a bill to ensure that educational materials that are educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of the students are removed from the public schools.

Referred to **Education/Higher Education Committee**.

H.B. 907, a bill to authorize the State and its political subdivisions to be subject to statutes of limitation and repose for certain civil actions and to provide a

ten-year statute of limitation for those same actions brought by the State or a political subdivision of the State when the function at issue is governmental.
Referred to **Judiciary II/Election Laws Committee.**

H.B. 912 (Committee Substitute), a bill to amend Article 11 of Chapter 130A of the General Statutes regarding wastewater systems.
Referred to **Agriculture/Environment/Natural Resources Committee.**

H.B. 914 (Committee Substitute), a bill to modify the appointment and conditions of office of members of the Boards of Trustees of Community Colleges.
Referred to **Education/Higher Education Committee.**

H.B. 917 (Committee Substitute), a bill to enact the Literacy Restoration Act of 1995.
Referred to **Education/Higher Education Committee.**

H.B. 923 (Committee Substitute), a bill to provide that certain cities may allow pawnbrokers only with a special use permit.
Referred to **Commerce Committee.**

H.B. 933, a bill to provide for fair and equitable liquidations of mutual associations and savings banks.
Referred to **Commerce Committee.**

H.B. 934, a bill to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources and related laws.
Referred to **Agriculture/Environment/Natural Resources Committee.**

H.B. 940 (Committee Substitute), a bill to make various changes relating to criminal and civil procedure.
Referred to **Judiciary II/Election Laws Committee.**

H.B. 958 (Committee Substitute), a bill to authorize reimbursement for licensed professional counselors under the State Health Plan for mental heath and chemical dependency treatment.
Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

H.B. 970, a bill to permit employers to conduct on-site drug testing under certain circumstances.
Referred to **Commerce Committee.**

Bills received from the House of Representatives on May 15 and ordered held in the Office of the Principal Clerk pending referral by the Chairman of the **Rules and Operation of the Senate Committee** pursuant to Rule 43, are referred to committee, as follows:

H.B. 220 (Committee Substitute), a bill requiring just compensation for taking of outdoor advertising.
Referred to **Judiciary II/Election Laws Committee.**

H.B. 270 (Committee Substitute), a bill to make changes in the laws pertaining to alimony.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 495 (Committee Substitute No. 2), a bill to make it a felony in Alamance, Cumberland, Davie, Davidson, Gaston, Guilford, Lincoln, Mecklenburg, Union, and Wake Counties to injure or kill a law enforcement or fire investigation agency animal, to create a new offense for assault with a firearm upon a law enforcement or fire investigation agency animal, and to create a new offense for simple assault or simple assault and battery upon a law enforcement or fire investigation agency animal.

Referred to **Judiciary I/Constitution Committee.**

H.B. 552, a bill to close a loophole in the Minimum Housing Standards Act as it applies to large urban cities where the owner of substandard property can avoid orders to repair, remove, or demolish the unit by simply closing it.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 568, a bill to clarify and improve sanctions for willful failure to disclose prior damage to a motor vehicle.

Referred to **Transportation Committee.**

H.B. 619 (Committee Substitute), a bill to exempt the Charlotte-Mecklenburg, Franklin, Johnston, and Nash School Administrative Units from certain statutory requirements in some school construction contracts.

Referred to **Education/Higher Education Committee.**

H.B. 835, a bill to amend the General Statutes relating to civil actions brought to recover from third parties State funds expended on medical care.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 855 (Committee Substitute), a bill to update and revise the laws affecting local government contracting.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 879 (Committee Substitute), a bill to amend the State's gun laws by preempting local regulation.

Referred to **Judiciary I/Constitution Committee.**

H.B. 910, a bill to require the use of certain safety equipment by children when they are bicycle operators or passengers.

Referred to **Judiciary I/Constitution Committee.**

H.B. 911, a bill to abolish the public financing of political candidates.

Referred to **Judiciary II/Election Laws Committee.**

H.B. 935 (Committee Substitute), a bill to require that all entrances and exits in domiciliary care facilities be equipped with alarms and that the Department of Human Resources develop proposed rules and report to the North Carolina Study Commission on Aging.

Referred to **Children and Human Resources Committee.**

H.B. 955, a bill to increase educational opportunity by authorizing the creation and funding of charter schools, which are deregulated schools under public control.
Referred to **Education/Higher Education Committee**.

A bill received from the House of Representatives on May 16 and ordered held in the Office of the Principal Clerk pending referral by the Chairman of the **Rules and Operation of the Senate Committee** pursuant to Rule 43, is referred to committee as follows:

H.B. 643, a bill to redefine the boundaries of the Heartsease Fire Tax District and the Harrison Fire Tax District in Edgecombe County.
Referred to **Local Government and Regional Affairs Committee**.

Bills received from the House of Representatives on May 17 and ordered held in the Office of the Principal Clerk pending referral by the Chairman of the **Rules and Operation of the Senate Committee** pursuant to Rule 43, are referred to committee as follows:

H.B. 142 (Committee Substitute), a bill to make technical changes relating to the repeal of the intangibles tax and to other tax laws.
Referred to **Finance Committee**.

H.B. 770 (Committee Substitute No. 2), a bill to authorize the creation of county service districts for law enforcement services and to change the requirements for creation of districts covering the entire unincorporated area of a county.
Referred to **Judiciary II/Election Laws Committee**.

H.B. 993, a bill to implement the recommendations of the Committee on Appropriations by establishing the percentage rates for the insurance regulatory charge and the public utility regulatory fee.
Referred to **Finance Committee**.

H.B. 994 (Committee Substitute), a bill to implement the recommendations of the Committee on Appropriations by changing various revenue statutes.
Referred to **Finance Committee**.

Bills received from the House of Representatives on May 22 and ordered held in the Office of the Principal Clerk pending referral by the Chairman of the **Rules and Operation of the Senate Committee** pursuant to Rule 43, are referred to committee as follows:

H.B. 458 (Committee Substitute), a bill to impose conditions for the restoration or continued enjoyment of a driving privilege after a conviction for driving while impaired or driving while a provisional licensee after consuming drugs or alcohol, and to promote compliance with these conditions.
Referred to **Judiciary II/Election Laws Committee**.

H.B. 558, a bill to permit the Town of Catawba to annex areas lying within the corporate boundaries of that Town.
Referred to **Local Government and Regional Affairs Committee**.

H.B. 574 (Committee Substitute), a bill to incorporate the Town of Land Harbor.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

A bill received from the House of Representatives earlier today and ordered held in the Office of the Principal Clerk pending referral by the Chairman of the **Rules and Operation of the Senate Committee** pursuant to Rule 43, is referred to committee as follows:

H.B. 550 (Committee Substitute), a bill to allow Randolph County to acquire property for use by the County Board of Education.

Referred to **Education/Higher Education Committee.**

On motion of Senator Basnight, seconded by Senator Foxx, the Senate adjourns at 2:46 P.M. to meet Monday, May 29, at 7:00 P.M.

SEVENTY-FIRST DAY

SENATE CHAMBER,
Monday, May 29, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, on this Memorial Day we remember the words of poet Edwin Maricham when he wrote,

> How shall we honor them, our Deathless Dead?
> With strew of laurel and the stately tread?
> With blaze of banners brightening overhead?
> No, not alone these cheaper praises bring:
> They will not have this easy honoring.
>
> How shall we honor them, our Deathless Dead?
> How keep their mighty memories alive?
> In one who feels their passion, they survive!
> Flatter their souls with our deeds, and all is said.

"To God be the Glory for the brave men and women who have died in the service of our country. Amen."

With unanimous consent, the President grants a leave of absence for tonight to Senator Forrester, due to eye surgery.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, May 25, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Albert R. Munn of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 295 (House Committee Substitute), an act to enact a recommendation of the Child Fatality Task Force to clarify the authority of the Building Code Council to adopt provisions requiring the installation of smoke detectors in all residential rental property and to provide for mutual obligations between landlords and tenants regarding the installation and upkeep of smoke detectors. (Ch. 111)

S.B. 583, an act to allow personal representatives of estates in the City of Winston-Salem to expend estate assets to prevent the waste of real property belonging to the estate. (Ch. 112)

S.B. 654, an act authorizing a one-step service process in specified housing code cases in the City of Asheville. (Ch. 113)

H.B. 47 (Committee Substitute No. 2), an act to make various amendments to the law regarding the licensing of electrical contractors. (Ch. 114)

H.B. 97, an act to remove the sunset on reverse mortgages. (Ch. 115)

H.B. 235, an act to make technical and clarifying changes to laws concerning the School Administrator Standards Board and to extend to 1998 the date for implementation of the Standards Board Exam. (Ch. 116)

H.B. 456 (Committee Substitute), an act to create the North Carolina Progress Board. (Ch. 117)

H.B. 470, an act to make a technical correction to the New Bern civil service provisions for police to delete old repealed material inadvertently appearing in a 1993 rewrite. (Ch. 118)

H.B. 602 (Committee Substitute), an act to provide for a referendum on the repeal of the Charter of the Town of Sandyfield. (Ch. 119)

H.B. 666, an act to change the pay date for the Cherokee County schools. (Ch. 120)

H.B. 749, an act to amend the procedure for sending insurance agents and companies notices and requests for cancellation of insurance contracts by insurance premium finance companies. (Ch. 121)

REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee**:

H.B. 120 (Committee Substitute No. 2), a bill to revise the window tinting laws, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re–referred to the **Finance Committee.**

H.B. 136, a bill to make permanent the exemption for real estate acquired by the Department of Transportation from the requirement that it be appraised by a licensed or certified appraiser when the estimated value of the real estate is less than ten thousand dollars, with a favorable report.

H.B. 837 (Committee Substitute), a bill to modify the time limit within which motor vehicle manufacturers and distributors may audit and chargeback dealers for warranty repairs, with a favorable report.

ASSESSMENT REPORTS

S.B. 837, a bill to provide for the licensing of soil scientists, referred to **Agriculture/Environment/ Natural Resources Committee** on April 25.

Senator Speed announces receipt and submits an Assessment Report from the Legislative Committee on New Licensing Boards.

The Chair orders the report placed in the bill jacket.

S.B. 410, a bill to establish the North Carolina On–Site Wastewater System Contractors Licensing Board, referred to **Agriculture/Environment/Natural Resources Committee** on March 20.

Senator Odom announces receipt and submits an Assessment Report from the Legislative Committee on New Licensing Boards.

The Chair orders the report placed in the bill jacket.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 542, a bill to provide for the nonpartisan election of the Catawba County Board of Education by plurality vote at the time of the County general election, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, May 30.

H.B. 396 (Committee Substitute), a bill to modify the State ports tax credit by expanding it to include imports, by extending the sunset on the credit, and by limiting the credit for bulk exports.

Referred to **Finance Committee.**

H.B. 504 (Committee Substitute), a bill to subtract any trade–in allowance in calculating the alternative highway use tax on leased vehicles.

Referred to **Finance Committee.**

H.B. 667 (Committee Substitute), a bill to allow certain municipalities to use wheel locks on illegally parked vehicles.

Referred to **Finance Committee.**

H.B. 852 (Committee Substitute), a bill to address motor fuel tax evasion and to improve the administration of the motor fuel taxes by changing the point of taxation of gasoline and diesel fuel, to repeal the minimum highway use tax, and to strengthen the enforcement of the road tax paid by motor carriers.

Referred to **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 229 House of Representatives
(Senate Committee Substitute) May 26, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representatives Creech and Esposito will also serve as Co–chairs of the House conferees on Senate Committee Substitute to **HB 229**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUATION BUDGET OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 520 (Committee Substitute), a bill to revise and consolidate the Charter of the Town of Waynesville, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Warren, Webster, and Winner—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 337, a bill to provide for controlled access community fishing licenses in Transylvania County, upon second reading.

With unanimous consent, on motion of Senator Albertson, the bill is taken up out of its regular order of business, and on his further motion, is re–referred to the **Agriculture/Environment/Natural Resources Committee.**

H.B. 69, a bill to allow the Town of Beech Mountain to make street assessments without first receiving a petition, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, May 30, for further consideration upon third reading.

H.B. 133 (Committee Substitute No. 2), a bill to enable the County of Columbus to establish an Airport Authority for the maintenance of airport facilities in the County, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Tuesday, May 30, for further consideration upon third reading.

H.B. 464, a bill to remove from the corporate limits of the Town of Hope Mills a described territory, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, May 30, for further consideration upon third reading.

H.B. 680 (Committee Substitute), a bill to incorporate the Town of Mulberry-Fairplains, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, May 30, for further consideration upon third reading.

S.B. 662 (Committee Substitute), a bill to allow Richmond County to create fire protection districts in which fire protection is funded by fees rather than taxes.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 178, a bill to provide that Scotland County and the cities located in that County may require issuance of a building permit for the replacement and disposal of roofing.

The bill passes its second and third readings and is ordered enrolled.

H.B. 492 (Committee Substitute), a bill to allow the Town of Clayton to use the single–prime contractor or the negotiation method of constructing the Hocutt–Ellington Library addition.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 878, a bill to authorize certain airport boards and commissions to own, operate, and finance the purchase and improvement of water and wastewater systems, upon second reading.

The bill passes its second reading by roll–call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, May 30, for further consideration upon third reading.

H.B. 208 (Committee Substitute), a bill to allow Edgecombe, Greene, Jackson and Madison Counties to acquire property for use by their county boards of education, changing the title, upon concurrence, to read **H.B. 208** (Senate Committee Substitute No. 2), a bill to allow Alleghany, Currituck, Edgecombe, Greene, Halifax, Jackson, Madison, Randolph, Scotland, Union, and Wake Counties to acquire property for use by their county boards of education and to clarify that boards of education have the same degree of construction oversight when a county owns the property upon which the school buildings are built as when the local boards own the property, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading by roll–call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Smith, Soles, Speed, Warren, and Webster—44.

Voting in the negative: Senators Ballantine, Dannelly, and Winner—3.

The Senate Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Tuesday, May 30, for further consideration upon third reading.

S.B. 905 (Committee Substitute), a bill to affect the membership of the State Fire and Rescue Commission.

With unanimous consent, on motion of Senator Plyler, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

H.B. 134 (Committee Substitute), a bill to make technical and clarifying changes to the motor vehicle laws and other laws concerning the Department of Transportation, changing the title, upon concurrence, to read **H.B. 134** (Senate Committee Substitute), a bill to make technical and clarifying changes to the motor vehicle laws and other laws concerning the Department of Transportation, and to validate certain recorded instruments where seals have been omitted.

The Senate Committee Substitute bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 301, a bill to provide for the award of State requirements contracts for furniture.

The bill passes its second reading (47–2).

With unanimous consent, on motion of Senator McKoy, further consideration of the bill is postponed until Tuesday, May 30.

H.B. 751, a bill to allow a contract between a real estate broker and a real estate salesman to include a provision to reimburse the real estate broker for the cost of including the salesman under the broker's workers' compensation coverage of the broker's business.

The bill passes its second (47–1) and third readings and is ordered enrolled.

S.B. 174 (Committee Substitute), a bill to provide for notification to owners and residents of land adjoining land on which a pesticide is applied by aerial application of the aerial application of the pesticide, upon third reading.

Senator Gulley offers Amendment No. 1 which fails of adoption (17–31).

The Committee Substitute bill passes its third reading (40–7) and is ordered sent to the House of Representatives.

JUDICIARY I/CONSTITUTION COMMITTEE SUBCOMMITTEE APPOINTMENT

Senator Cooper, Chairman of the **Judiciary I/Constitution Committee**, announces Senator Cooper, Senator Ballantine, Senator Simpson, Senator Soles, and Senator Hobbs, a subcommittee of the **Judiciary I/ Constitution Committee** to study the following bills:

H.B. 637 (Committee Substitute), a bill to amend the law regarding products liability; and

H.B. 730 (Committee Substitute), a bill to prevent frivolous medical malpractice actions by requiring that expert witnesses in medical malpractice cases have

appropriate qualifications to testify on the standard of care at issue and to require expert witness review as a condition of filing a medical malpractice action.

PAGES

The President recognizes the following pages serving in the Senate this week:

David J. Fleming, New Bern; Shana LaVerne Fulton, Garner; Edward Whitaker Grannis III, Fayetteville; Robert Bailey Hackney, New Bern; Anna Bradsher Honeycutt, Raleigh; Jeffrey Ryan Joyner, Goldsboro; Shannon Elizabeth Kariher, Spruce Pine; Roderic Schuyler Leland III, Raleigh; Miranda McDowell, Smithfield; Jonathan Brian Mills, Greenville; Matthew Raines, New Bern; Michael Raines, New Bern; Amy Ricks, Rockingham; Mary Ann Spivey, Ellerbe; Jonathan Baxter Stegall, Monroe; Daniel Whitley, New Bern; and Misti Woody, Bakersville.

COMMITTEE REFERRAL RECALLS

H.B. 12 (Committee Substitute), a bill to amend the Constitution of North Carolina to limit members of the legislature to six consecutive terms in a house, referred to the **Judiciary II/Election Laws Committee** on May 25.

Pursuant to Rule 47(b), Senator Gulley offers a motion the Committee Substitute bill be taken from the **Judiciary II/Election Laws Committee** and re-referred to the **Judiciary I/Constitution Committee**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Judiciary II/Election Laws Committee** and refers the measure to the **Judiciary I/Constitution Committee**.

S.B. 1039, a bill to provide incentives for candidates for the General Assembly to limit their campaign expenditures, referred to the **Judiciary II/Election Laws Committee** on May 4.

Pursuant to Rule 47(b), Senator Gulley offers a motion the bill be taken from the **Judiciary II/Election Laws Committee** and re-referred to the **Judiciary I/Constitution Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Judiciary II/Election Laws Committee** and refers the measure to the **Judiciary I/Constitution Committee**.

S.B. 1040, a bill to establish North Carolinians for positive campaigns and make related changes, referred to the **Judiciary II/Election Laws Committee** on May 4.

Pursuant to Rule 47(b), Senator Gulley offers a motion the bill be taken from the **Judiciary II/Election Laws Committee** and re-referred to the **Judiciary I/Constitution Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Judiciary II/Election Laws Committee** and refers the measure to the **Judiciary I/Constitution Committee**.

On motion of Senator Basnight, seconded by Senator Conder and Senator Cochrane, the Senate adjourns at 8:19 P.M. in memory of all the men and women who served our country and most especially for those who were injured and those who offered the supreme sacrifice, to meet tomorrow, Tuesday, May 30, at 3:00 P.M.

SEVENTY-SECOND DAY

SENATE CHAMBER,
Tuesday, May 30, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, even here in the Senate, where matters aren't final until the last vote, we would prefer that You settle all the questions we have about life—now. We want our faith fixed; we want to understand the deep and complex matters that impact our lives.

"But that's not the way it usually is between You and us. You keep prodding us, moving us, beckoning us in faith. Sometimes it's tough for us to keep up with You, and we want to rest.

"As an encouragement, renew our sense of the adventure of being loved by You, rekindle our enthusiasm for following in Your Footsteps; then give us faith to follow. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, May 29, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Cheryl A. Viglione of Greensboro, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 487, an act to provide that the Assistant Adjutant General for the Army National Guard shall serve in the military position of Brigadier General – Line, Deputy, State Area Command (STARC) Commander. (Ch. 122)

S.B. 506 (Committee Substitute), an act to make clarifying, technical changes to various public health laws, and to establish a minimum burial depth for human interment. (Ch. 123)

H.B. 178, an act to provide that Scotland County and the cities located in that County may require issuance of a building permit for the replacement and disposal of roofing. (Ch. 124)

H.B. 492 (Committee Substitute), an act to allow the Town of Clayton to use the single–prime contractor or the negotiation method of constructing the Hocutt–Ellington Library addition. (Ch. 125)

H.B. 520 (Committee Substitute), an act to revise and consolidate the Charter of the Town of Waynesville. (Ch. 126)

H.B. 751, an act to allow a contract between a real estate broker and a real estate salesman to include a provision to reimburse the real estate broker for the cost of including the salesman under the broker's workers' compensation coverage of the broker's business. (Ch. 127)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee**:

H.B. 507 (Committee Substitute), a bill to provide that the laws relating to motor vehicles apply on streets owned by the Colington Harbour Association, Inc., in Dare County, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, and the proposed Senate Committee Substitute bill 4170, which changes the title, upon concurrence, to read **H.B. 507** (Senate Committee Substitute), a bill to provide that the laws relating to motor vehicles apply on streets owned by the Colington Harbour Association, Inc., in Dare County, and to provide that the Town of Manteo may regulate noise in the Atlantic Ocean and other waterways adjacent to that portion of the Town within its boundaries or within its extraterritorial jurisdiction, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, May 31, for further consideration.

By Senator Parnell for the **Commerce Committee:**

H.B. 758 (Committee Substitute), a bill to adjust charges by lenders, with a favorable report.

S.B. 759, a bill to prohibit the unfair business practice of pricing cigarettes below cost, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the proposed Committee Substitute bill 7684, which changes the title to read **S.B. 759** (Committee Substitute), a bill authorizing the Legislative Research Commission to study the unfair business practice of pricing cigarettes below cost, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

S.B. 413 (House Committee Substitute), a bill to authorize the conversion of savings associations and savings banks into commercial banks, with a favorable report as to concurrence.

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

H.B. 82, a bill to allow members of the General Assembly and chairs of county boards of commissioners to administer oaths of office, with a favorable report.

H.B. 239 (Committee Substitute), a bill to allow Currituck and Union Counties to acquire property for use by the County Board of Education, with a favorable report.

H.B. 312, a bill to permit Chimney Rock Village to hold certain ABC elections, with a favorable report.

H.B. 135, a bill to make confidential all photographic images recorded by the Division of Motor Vehicles for drivers licenses, with a favorable report, as amended.

H.B. 546 (Committee Substitute), a bill to permit one-stop voting on direct record voting equipment with retrievable ballots in Gaston, Guilford, Mecklenburg, and Union Counties, with a favorable report, as amended.

S.B. 28, a bill to create a new offense class and punishment row for misdemeanor assaults, to increase the punishment for the felony offenses of common law robbery, breaking and entering, assault on a law enforcement officer, and possession of a firearm by a felon, to lengthen the minimum sentences for felony offense Classes B2, C, and D, with a unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 3659, which changes the title to read **S.B. 28** (Committee Substitute), a bill to create a new offense class and punishment row for misdemeanor assaults, to create the felony offense of assault on a law enforcement officer, to increase the penalties for possession of a firearm by a felon, to lengthen the minimum sentences for felony offense Classes B2, C, and D, and to authorize an active sentence for prior record Levels I and II of felony offense Class H, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Committee Substitute bill is adopted.

On motion of Senator Odom, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 396, a bill to encourage regulated arrangements among physicians when the arrangement will help control costs, improve access, improve quality, or implement mandated health care reforms, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the proposed Committee Substitute bill 8641 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 420 (Committee Substitute), a bill to revise the law governing the procedures for filing and maintaining shareholder derivative suits, with a favorable report.

COMMITTEE REFERRAL RECALL

H.B. 958 (Committee Substitute), a bill to authorize reimbursement for licensed professional counselors under the State Health Plan for mental heath and chemical dependency treatment, referred to the **Pensions and Retirement/Insurance/State Personnel Committee** on May 25.

Pursuant to Rule 47(b), Senator Soles offers a motion the Committee Substitute bill be taken from the **Pensions and Retirement/Insurance/State Personnel Committee** and placed on the Calendar for Wednesday, May 31, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Pensions and Retirement/ Insurance/State Personnel Committee** and places it on the Calendar for Wednesday, May 31, for consideration upon its passage.

CALENDAR

H.B. 837 (Committee Substitute), a bill to modify the time limit within which motor vehicle manufacturers and distributors may audit and chargeback dealers for warranty repairs, on today's Calendar.

With unanimous consent, on motion of Senator Speed, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the Committee Substitute bill is postponed until Wednesday, May 31.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 309, a bill relating to notices of lis pendens by the City of Winston–Salem, for concurrence in the House Committee Substitute bill, which changes the measure from a local bill to a public bill and changes the title, upon concurrence, to read **S.B. 309** (House Committee Substitute), a bill to provide for the filing of notices of lis pendens in the enforcement of housing and building standards by cities and counties, which is placed on the Calendar for tomorrow, Wednesday, May 31.

S.B. 312 (House Committee Substitute), a bill to allow an insanity hearing for a defendant found not guilty by reason of insanity to be held in the same county as the respondent's trial was held, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, May 31.

S.B. 405 (House Committee Substitute), a bill to amend the State Personnel Act relating to the definition of career State employee, the grounds for State employee appeals, the investigatory duties of the Office of State Personnel, and the priority consideration of State employees in filling vacancies; to provide for the adoption of an alternative dispute resolution procedure by the State Personnel Commission; and to allow alternative observance of the New Year's Holiday, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, May 31.

S.B. 582 (Committee Substitute), a bill to permit the Cities of Winston-Salem and Wilmington and New Hanover County to regulate by ordinance the possession of malt beverages and unfortified wine, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 582** (House Committee Substitute), a bill to permit the Cities of Charlotte, Wilmington and Winston-Salem; the Towns of Atlantic Beach and Chapel Hill; and New Hanover County to regulate by ordinance the possession of malt beverages and unfortified wine, which is placed on the Calendar for tomorrow, Wednesday, May 31.

H.B. 360, a bill to exempt railroads from payment of sales tax on diesel fuel used by locomotives and railroad cars.

Referred to **Finance Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 69, a bill to allow the Town of Beech Mountain to make street assessments without first receiving a petition, upon third reading.

The bill passes its third reading by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—50.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 133 (Committee Substitute No. 2), a bill to enable the County of Columbus to establish an Airport Authority for the maintenance of airport facilities in the County, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—50.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled.

H.B. 464, a bill to remove from the corporate limits of the Town of Hope Mills a described territory, upon third reading.

The bill passes its third reading by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton,

Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—50.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 680 (Committee Substitute), a bill to incorporate the Town of Mulberry–Fairplains, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—50.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 542, a bill to provide for the nonpartisan election of the Catawba County Board of Education by plurality vote at the time of the County general election, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (50–0) and the measure is ordered enrolled.

S.B. 878, a bill to authorize certain airport boards and commissions to own, operate, and finance the purchase and improvement of water and wastewater systems, upon third reading.

The bill passes its third reading by roll–call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—50.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 208 (Senate Committee Substitute No. 2), a bill to allow Alleghany, Currituck, Edgecombe, Greene, Halifax, Jackson, Madison, Randolph, Scotland, Union, and Wake Counties to acquire property for use by their county boards of education and to clarify that boards of education have the same degree of construction oversight when a county owns the property upon which the school buildings are built as when the local boards own the property, upon third reading.

Senator Little offers Amendment No. 1, held to be material, which changes the title, upon concurrence, to read **H.B. 208** (Senate Committee Substitute No. 2), a bill to allow Alleghany, Currituck, Edgecombe, Greene, Halifax, Jackson, Madison,

Moore, Randolph, Scotland, Union, and Wake Counties to acquire property for use by their county boards of education and to clarify that boards of education have the same degree of construction oversight when a county owns the property upon which the school buildings are built as when the local boards own the property. Amendment No. 1 is adopted (50–0), constituting the first reading of the measure.

The Senate Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, May 31, for further consideration upon second reading.

H.B. 136, a bill to make permanent the exemption for real estate acquired by the Department of Transportation from the requirement that it be appraised by a licensed or certified appraiser when the estimated value of the real estate is less than ten thousand dollars.

The bill passes its second (45–5) and third readings and is ordered enrolled.

H.B. 400, a bill to authorize the State Board of Certified Public Accountant Examiners to seek injunctive relief.

The bill passes its second (50–0) and third readings and is ordered enrolled.

H.B. 409 (Committee Substitute), a bill to add certain drugs to the controlled substances law.

Senator Horton offers Amendment No. 1 which is adopted (48–1).

The bill, as amended, passes its second (50–0) and third readings and is ordered sent to the House of Representative, for concurrence in Senate Amendment No. 1.

H.B. 554, a bill to provide for flags to signal the presence of skiers and other persons in the water.

With unanimous consent, on motion of Senator Odom, consideration of the bill is postponed until Wednesday, June 7.

H.B. 301, a bill to provide for the award of State requirements contracts for furniture, upon third reading.

The bill passes its third reading (48–1) and is ordered enrolled.

On motion of Senator Basnight, seconded by Senator Forrester, the Senate adjourns at 4:03 to meet tomorrow, Wednesday, May 31, at 3:00 P.M.

SEVENTY-THIRD DAY

SENATE CHAMBER,
Wednesday, May 31, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, we spend a lot of time trying to put our best foot forward. We get all dressed up, put on our smiles and try to be the people we wish we were rather than to admit who we really are.

"Though it is a worthy effort, some days it is also a heavy burden to shoulder.

"So, love us, Lord, take us as we are this day, forgive us, remake us as the people You would have us to be rather than the people we only wish we were. In Your Holy Name, we pray. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, May 30, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. William W. Sutton of Wallace, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 476, an act to change the manner of election of the Ashe County Board of Education from nonpartisan election at the time of the primary to nonpartisan election at the time of the general election. (Ch. 128)

S.B. 482, an act to make certain miscellaneous amendments to the banking laws. (Ch. 129)

S.B. 918, an act to permit the State Board of Education to authorize the emergency closing of individual schools. (Ch. 130)

S.B. 1046, an act to remove certain property from the State Nature and Historic Preserve and to authorize the deletion of various properties from the State Parks System. (Ch. 131)

S.B. 542, an act to provide for the nonpartisan election of the Catawba County Board of Education by plurality vote at the time of the County general election. (Ch. 132)

H.B. 69, an act to allow the Town of Beech Mountain to make street assessments without first receiving a petition. (Ch. 133)

H.B. 133 (Committee Substitute No. 2), an act to enable the County of Columbus to establish an Airport Authority for the maintenance of airport facilities in the County. (Ch. 134)

H.B. 136, an act to make permanent the exemption for real estate acquired by the Department of Transportation from the requirement that it be appraised by a licensed or certified appraiser when the estimated value of the real estate is less than ten thousand dollars. (Ch. 135)

H.B. 301, an act to provide for the award of State requirements contracts for furniture. (Ch. 136)

H.B. 400, an act to authorize the State Board of Certified Public Accountant Examiners to seek injunctive relief. (Ch. 137)

H.B. 464, an act to remove from the corporate limits of the Town of Hope Mills a described territory. (Ch. 138)

H.B. 680 (Committee Substitute), an act to incorporate the Town of Mulberry–Fairplains. (Ch. 139)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee**:

H.B. 314 (Committee Substitute No. 2), a bill to amend the law relating to Mount Airy's Firefighters' Supplementary Fund, with a favorable report.

H.B. 423, a bill to provide for the distribution of copies of certain publications to the State Personnel Commission and to the Office of State Personnel, with a favorable report.

H.B. 513 (Committee Substitute No. 2), a bill to increase the monthly benefit for retired Charlotte firefighters, with a favorable report.

H.B. 788 (Committee Substitute), a bill to include hospital and medical service corporation plans under the Life and Health Insurance Guaranty Association Act, with a favorable report.

H.B. 799, a bill to modify the definition of credit accident and health insurance, with a favorable report, as amended.

The Chair extends courtesies of the floor to Wanda Hunt, former Senator from Moore County.

By Senator Jordan for the **Local Government and Regional Affairs Committee**:

H.B. 68, a bill to allow the Town of Beech Mountain to require that rental residential dwelling units have smoke detectors and fire extinguishers, with a favorable report.

H.B. 173, a bill to create a safety zone around Merchants Millpond State Park by prohibiting hunting in the vicinity of the Park, with a favorable report.

H.B. 471, a bill to repeal local acts applicable to the City of Charlotte or to both the City of Charlotte and the County of Mecklenburg, with a favorable report.

H.B. 498, a bill to amend the Charter of the City of Charlotte with respect to the disposition of real property to persons of low or moderate income, with a favorable report.

H.B. 505 (Committee Substitute No. 2), a bill to allow the Cities of Gastonia, Belmont, and Mount Holly and the Town of Stanley to make certain assessments outside the corporate limits, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee.**

H.B. 536 (Committee Substitute), a bill to provide that Gaston County may use the proceeds of its occupancy tax only for economic development to promote travel and tourism, with a favorable report.

H.B. 583 (Committee Substitute), a bill relating to the Alamance County Public Law Library, with a favorable report.

H.B. 584, a bill to provide for election of the nine members of the Anson County Board of Education from seven single-member districts, plus two at-large members elected by limited voting, with a favorable report.

H.B. 603 (Committee Substitute), a bill to remove the sunset on the authorization for Alamance County to enter into a contract to repair the Alamance County Courthouse and to provide that the County of Edgecombe may use the design/build delivery system for the construction of a county detention facility, with a favorable report.

H.B. 615 (Committee Substitute), a bill to redefine the corporate limits of the Town of Stanfield, with a favorable report.

H.B. 643, a bill to redefine the boundaries of the Heartsease Fire Tax District and the Harrison Fire Tax District in Edgecombe County, with a favorable report.

H.B. 697, a bill to allow Avery County to use its own crews and equipment to complete Phase II of its Community Recreation Facility, with a favorable report.

H.B. 713, a bill to permit the personal use of Matthews police cars within specific areas, with a favorable report.

The Chair extends courtesies of the floor to Lura Tally, former Senator from Cumberland County.

By Senator Speed for the **Transportation Committee**:

H.B. 639 (Committee Substitute No. 2), a bill to amend the provisions under which the Piedmont Triad Airport Authority regulates parking at the Piedmont Triad International Airport, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee.**

H.B. 461 (Committee Substitute), a bill to authorize the use of red lights on vehicles transporting blood, with a favorable report.

H.B. 446, a bill modifying contract letting procedures and limitations applicable to the Department of Transportation, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 384, a bill relating to pyrotechnics in the City of Winston–Salem, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 384** (House Committee Substitute), a bill relating to pyrotechnics in Forsyth County, which is placed on the Calendar for tomorrow, Thursday, June 1.

S.B. 649, a bill to authorize sweet potato assessments to be paid by producers of sweet potatoes, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 649** (House Committee Substitute), a bill concerning sweet potatoes, which is ordered held in the office of the Principal Clerk pending referral pursuant to Rule 56.1(b).

S.B. 707 (House Committee Substitute), a bill to amend the law relating to the share of after–born or after–adopted children, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, June 1.

H.B. 997, a bill to add acquisition of land for landfills to the list of purposes for which local governments may issue special obligation bonds or obtain financing under the solid waste management loan program.

Referred to **Finance Committee**.

H.B. 1013, a bill to levy an excise tax on illegal spirituous liquor, an excise tax on mash, and an excise tax of illegal mixed beverages.

Referred to **Finance Committee**.

CALENDAR

Bills and a resolution on the Calendar are taken up and disposed of, as follows:

H.B. 507 (Committee Substitute), a bill to provide that the laws relating to motor vehicles apply on streets owned by the Colington Harbour Association, Inc., in Dare County, changing the title, upon concurrence, to read **H.B. 507** (Senate Committee Substitute), a bill to provide that the laws relating to motor vehicles apply on streets owned by the Colington Harbour Association, Inc., in Dare County, and to provide that the Town of Manteo may regulate noise in the Atlantic Ocean and other waterways adjacent to that portion of the Town within its boundaries or within its extraterritorial jurisdiction.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 546 (Committee Substitute), a bill to permit one–stop voting on direct record voting equipment with retrievable ballots in Gaston, Guilford, Mecklenburg, and Union Counties.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 546** (Committee Substitute), a bill to permit one–stop voting on direct record voting equipment with retrievable ballots and to allow central counting of curbside ballots in Gaston, Guilford, Mecklenburg, and Union Counties.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

The Chair extends courtesies of the gallery to Commander and Mrs. Hubert E. Seymour III and Dr. and Mrs. Robert Seymour, family of the late Mary Frances Powell Seymour, former Senator from Guilford County.

COMMITTEE REFERRAL RECALL

H.B. 682 (Committee Substitute), a bill making further sundry amendments concerning local governments in Orange County, referred to the **Local Government and Regional Affairs Committee** on May 25.

Pursuant to Rule 47(b), Senator Jordan offers a motion the Committee Substitute bill be taken from the **Local Government and Regional Affairs Committee** and re–referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Local Government and Regional Affairs Committee** and refers the measure to the **Finance Committee**.

CALENDAR (Continued)

S.B. 582 (Committee Substitute), a bill to permit the Cities of Winston–Salem and Wilmington and New Hanover County to regulate by ordinance the possession of malt beverages and unfortified wine, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 582** (House Committee Substitute), a bill to permit the Cities of Charlotte, Wilmington and Winston–Salem; the Towns of Atlantic Beach and Chapel Hill; and New Hanover County to regulate by ordinance the possession of malt beverages and unfortified wine.

The Senate concurs in the House Committee Substitute bill (49–0) and the measure is ordered enrolled.

H.B. 208 (Committee Substitute), a bill to allow Edgecombe, Greene, Jackson and Madison Counties to acquire property for use by their county boards of education, changing the title, upon concurrence, to read **H.B. 208** (Senate Committee Substitute No. 2), a bill to allow Alleghany, Currituck, Edgecombe, Greene, Halifax, Jackson, Madison, Moore, Randolph, Scotland, Union, and Wake Counties to acquire property for use by their county boards of education and to clarify that boards of education have the same degree of construction oversight when a county

owns the property upon which the school buildings are built as when the local boards own the property, as amended, upon second reading.

The Senate Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 46, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—46.

Voting in the negative: Senators Ballantine, Kerr, Perdue, and Webster—4.

The Senate Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Thursday, June 1, for further consideration, upon third reading.

H.B. 239 (Committee Substitute), a bill to allow Currituck and Union Counties to acquire property for use by the County Board of Education, upon second reading.

With unanimous consent, on motion of Senator Kerr, consideration of the Committee Substitute bill is postponed until Monday, June 5.

S.J.R. 1096, a joint resolution honoring the life and memory of Mary Frances Powell Seymour, former member of the General Assembly.

With unanimous consent, on motion of Senator Rand, the joint resolution is read in its entirety, as follows:

Whereas, Mary Frances Powell was born in the City of Raleigh, on April 12, 1922, to Robert C. Powell, former City Commissioner of Public Safety, and Annie Rebecca Seymour Powell, a political activist; and

Whereas, Mary Frances Powell was a graduate of Needham B. Broughton High School and Peace College; she also studied at Harvard University, the University of Michigan, the Center for Creative Leadership, and Guilford Technical and Community College; and

Whereas, Mary Frances Powell married Hubert E. Seymour, Jr., on February 3, 1945, and was the mother of two sons; and

Whereas, Mary Frances Powell Seymour worked for the Social Security Administration and the United States Air Force; and was a legal assistant, court reporter, and a licensed real estate broker; and

Whereas, Mary Frances Powell Seymour liked the City of Greensboro so much that she made it her home, becoming very active in the city's civic and governmental affairs; and

Whereas, Mary Frances Powell Seymour was a devoted and lifelong servant of her community and State, serving as a member of the Womens Professional Forum, the O. Henry Woman's Club, the Greensboro Council of Garden Clubs, Inc., the Greensboro Legal Auxiliary, the Chamber of Commerce, the Community Development Council, the Tarheel Trail Girl Scout Council, Inc., the Board of Visitors of Peace College, the Board of Directors of Hayes Taylor YMCA, the North Carolina Arts Council, the North Carolina Parks and Recreation Council, and as honorary member of Business and Professional Women; and

Whereas, as a young child, Mary Frances Powell Seymour was exposed to politics; she lived with her family in the Yarborough House in the City of Raleigh

where her father was the manager and where most of the members of the General Assembly stayed while in Session; she assisted her mother in handing out political leaflets for Thad Eure, Sr., who was running for his first term as North Carolina's Secretary of State; and

Whereas, in 1966, Mary Frances Powell Seymour was elected to the Greensboro City Council, only the second woman ever to win a seat on the city council; she served three additional terms on the city council, and from 1973 to 1975, served as Mayor *Pro Tempore*; and

Whereas, Mary Frances Powell Seymour was a member of the North Carolina House of Representatives in 1977, 1979, 1981, and 1983, and the North Carolina Senate in 1987, 1991, and 1993, during which tenure she served with honor and distinction and was chair of several committees including Alcoholic Beverage Control, Public Utilities, Libraries, Insurance, and of several subcommittees on Appropriations; and

Whereas, Mary Frances Powell Seymour was a member of the Legislative Services Commission and the Legislative Ethics Committee and was Chair of the Guilford County Legislative Delegation from 1982 to 1984; and

Whereas, Mary Frances Powell Seymour was a member of the North Carolina Law Related Education Committee from 1980 to 1984, the State Transportation Advisory Council from 1981 to 1983, and the Board of Directors of the National Conference of Insurance Legislators from 1981 to 1983; and

Whereas, Mary Frances Powell Seymour received numerous awards and honors including the 1970 Eleanor Roosevelt Award; the Bryant Citizenship Award in 1971; the Chamber of Commerce Dolley Madison Award; Distinguished Alumna, Peace College in 1974; Distinguished Service Award, YWCA in 1975; "Who's Who in Government" in 1975; the North Carolina Bar Association Legislative Recognition in 1980; Distinguished Service Award, North Carolina Public Health Association in 1982; the "Good Sam" Award for Legislation Affecting the Hearing Impaired in 1982; the Community Service Award, Bennett College; the North Carolina Recreation and Parks Legislative Award in 1984; and the Distinguished Women of North Carolina Award, in 1993;

Whereas, Mary Frances Powell Seymour was dedicated in her service to College Park Baptist Church, including her service as a Sunday School teacher for 10 years; and

Whereas, Mary Frances Powell Seymour was diagnosed with pancreatic cancer in 1990, and survived with hospitalization, radiation, and chemotherapy, but at all time kept up with her legislative duties and served her constituency effectively until she died on August 26, 1994, at 72 years of age; and

Whereas, Mary Frances Powell Seymour is survived by her husband, Hubert E. Seymour, Jr., two sons, Commander Hubert E. Seymour, III, (United States Navy, retired), and Dr. Robert Seymour, two grandchildren, and a great–grandchild; and

Whereas, with the death of Mary Frances Powell Seymour, the General Assembly, Guilford County, and the State lost a good friend and colleague and an admired and respected individual; and

Whereas, Mary Frances Powell Seymour will be long remembered for her caring for the needs of her State, its people and institutions, and for her leadership with the tough problems of governing at all levels; she is a role model for many and her life of service is an inspiration for all;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly expresses its deep appreciation for the life and the accomplishments of Mary Frances Powell Seymour and for the great service she rendered to the State of North Carolina, Guilford County, and the City of Greensboro.

Sec. 2. The General Assembly of North Carolina extends its sympathy to the family of Mary Frances Powell Seymour for the great loss they have suffered.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Mary Frances Powell Seymour.

Sec. 4. This resolution is effective upon ratification.

With unanimous consent, on motion of Senator Basnight, the remarks of the Senators memorializing the life and memory of Senator Mary Frances Powell Seymour, are spread upon the Journal, as follows:

By Senator Martin of Guilford:

"Thank you, Mr. President, and Members of the Senate. This is a really tremendous occasion and as I use the word tremendous, I also think of the word celebration which is a word that Hubert Seymour, who we also started calling 'Senator Seymour' around here, used so repeatedly as we went about memorializing and remembering Mary. He kept referring to the fact that this is a celebration of a wonderful life well spent, and, indeed, it was. And that celebration goes on today. Joining here with us are the family members that have already been mentioned; and, also, Hubert Seymour, seated downstairs, here with us; and, also, another person who was very close to Mary during her entire time here and close to us also, Penny Williams, who is now working with Senator Hoyle. And Wanda Hunt, who was a Member of the Senate—a number of you know—and they roomed together for awhile, and she's here also to join in the celebration.

"I would just indicate that, for me, it was a very distinct pleasure having the opportunity to serve with Mary Seymour, but also to know Mary Seymour. When I first got involved in the political arena—I ran for the House in 1980—during that campaign period is when I first really got to know Mary as a very wonderful, very alive, very outgoing individual who was very sensitive to the needs of her constituents and of the State, and who was a real friend indeed; who was very helpful in steering me along the right course, and also many other individuals. I also always associate Greensboro with Mary Seymour, and not just because she served on the City Council and the other things that were mentioned in the resolution, Mayor *Pro Tem*, and so forth. But one easy way to remember it, Senator Shaw, is the fact that she adopted green as her campaign colors, and that always tied in that symbolism and then she carried it on when she ran for the General Assembly. And, again, it was—everything has been a wonderful experience.

"On most items we were very close allies on the things we sought to do, and I would venture to say that during the time that Mary led the Guilford delegation, I would say that the delegation was the best that it's ever been during the time that I've been here, as far as working together cohesively, as far as having a very good, friendly, cordial relationship. She was just the type of lady with those social graces that tended to bring people together, rather than draw people apart.

"She always, as all of you know, I think, close at heart, you know, she got the opportunity to speak in favor or do anything in behalf of Peace College that was a very important spot in her life.

"I'll not go on and on, I just will—I wanted to relay a story that some of you are aware of involving her dedication to the legislative process. But I understand that our President *Pro Tem* wants to inform you of that information, so I'll defer to him on that count. But I will just stop at this moment and again ask all of you to join in support of this resolution honoring Mary Seymour, who was a friend to all of us who worked with her and who knew her, and to continue that celebration that Hubert so often speaks of, Mr. President. Thank you, very much. And at the proper time again, if the family could be recognized."

By Senator Shaw:

"Mr. Chairman, I've known Mary Seymour a long time. We worked together when she was on the City Council in Greensboro and I was on the County Commission. I've never known a stronger Democrat than Mary Seymour, and she said the same thing about me on the other side of the fence; but we could work together. And I've never known a stronger person in my life, man or woman, than Mary Seymour. She worked hard at politics, she worked hard at being an elected official, and she had great help in Hubert. I remember going out to Precinct 32 one morning about eleven o'clock in Greensboro and it was pouring down rain, I mean it was a frog–strangling rain. And there was one person out in front of that schoolhouse that was all bundled up with an old hat pulled down over his ears, and it was Hubert. He was handing out campaign literature; and she got elected. But it was dedication.

"I remember one night here last year; it was one o'clock in the morning. We only had thirty–four people on this floor, thirty–four Senators. And I was getting tired, my arthritis was bothering me, and I started to say, 'I'm going home,' and I looked over, right over there, there was Mary Seymour sitting ramrod straight, and I said, 'If she can make it, I can make it, too.' So she gave a lot of strength to people in her lifetime, Hubert, that didn't even know her—didn't know her well. But she meant a great deal to me because of how tough she was, and I'd say to her grandchildren, you know you had a great Grandma. Thank you."

By Senator Perdue:

"Members of the Senate and Hubert and Mary's fine family. Mary Seymour was truly, I believe, one of North Carolina's finest citizens. I got to know her very well. She took me under her wing when I was a freshman in the House, and I truly loved your Mom. She was a wife, first of all, a marvelous mother, a good Christian; she was a volunteer; she worked in schools and civic organizations and she finally got into politics, and it bit her bad. She loved every single minute of her life as a public servant.

"She was a role model to all of us here, as you've heard Senator Bob Shaw say. She taught each of us who watched her during the last four years, about the marvelous words, dignity and courage and bravery and leadership. One of the things that I do that a lot of you all don't know is I keep a daily diary. And when I realized that the resolution was on the floor today I went back through my diary of three years ago, and I remembered that Mary and I decided that we would be brave one afternoon and ride, because of our allegiance to Senator Russell Walker, over to the zoo in Asheboro. And we didn't want to do it, but we thought we'd

do it and we'd have a good time doing it because Mary could always make life fun. She had already had her first bout of cancer, had successfully completed her chemotherapy, and was in remission. And we spent the whole afternoon at the zoo. We saw all of the events. We ate and drank, and I think we even fussed about the fact that you couldn't find a glass of wine there that night, and coming back on the bus, Mary and I talked like two women talk sometimes. And from my diary I will quote what I wrote that night when I went to bed. Mary said to me on that bus that night, 'Every day is a blessing, Bev. I smile when I get up in the morning and I smile when I go to bed at night. My life has been full and productive. I'm thankful for every day that God gives me. That's as much as any human being can ask. I give and I receive, and I am blessed. Death for me will never be a passing, but a celebration.' Her life was truly a celebration."

By Senator Lucas:

"Mr. President and Members of the Senate. I just made a few notes on Mary Seymour. My favorite Scripture is John 9:4, that says, 'I must work the works of Him Who sent me while it is day: night comes, when no man can work.' I saw Mary doing her work daily. She was immaculate in her dress, thanks to Hubert. Her make–up was always in place. She was always on the Senate Floor on time. Her hair was always coiffeured, and she was so encouraging to us. She was steadfast and unmoveable in her perseverance in getting her bills passed. Her last legacy to me, Hubert, was when I attended the funeral service and found out that Mary Seymour supported an African–American College known as Bennett, and gave them her very all. And so today, as I stand, I say that her spirit shall live with me always. She did the work of Him Who sent her while it was day, because she knew that night would come and she could no longer work. Thank you."

By Senator Odom:

"Members of the Senate, I did not know Mary Seymour for the long period of time that many of you had that great privilege, but I want to share with you the impact that she had on my life in just the few short years that I knew her here. Because she gave to me a great comfort and great strength by how she dealt with cancer. Many of you know, Senator Carpenter, how interested all of us become in certain subjects when suddenly it touches you, and two years ago when I was diagnosed with cancer, the first person in this Body that I went to was Senator Seymour. And to be able to sit with someone who had struggled and who had exhibited the compassion and the caring about life and people that she exhibited and be able to talk to someone like myself and give comfort and give strength is a testament to her character and to her ability to relate to other people. I will not go into the number of times that she and I shared experiences with chemotherapy, shared the dark moments that you have, but whenever you finished talking with Mary Seymour, you came away feeling that life consisted of today, and today was worth living. She always had a smile on her face and I'll never forget her."

By Senator Soles:

"Mr. President, ladies and gentlemen of the Senate, I am very pleased to stand and speak on this resolution on behalf of our former colleague, Senator Mary Seymour. She came to the House of Representatives in 1977, which was the same time I came to the Senate, but it wasn't long before I realized there was a bright new star over in the House. As she came over and talked with us, and talked

about her bills, it became apparent that she was someone I wanted to know better. When she finally moved over to the Senate, some, I believe, about ten years later, about 1987, Senator Russell Walker and I were sitting in those seats right there where Senator Parnell and Senator Sherron are now, and she sat behind us. It was a real delight to have her there, and she told so many stories I couldn't repeat many of them because I don't remember them, and a lots of them I wouldn't want to repeat because she gave them to us in confidence. They were generally true stories and delightful stories. When Senator Walker and I moved to seats 3 and 4, I went to her and said, 'Mary, please move over there with us. I don't want you to leave us, I want to be where we can continue this friendship, so she moved and sat right where Senator Carpenter is.

"She told me more than one story about how she grew up here in Raleigh in a political atmosphere, the many good times she had over at Peace College, and she had particularly good stories about how, when she was at Harvard with Hubert, and how one day she ran into her long–time good school chum from here in Raleigh, Senator Lura Tally, at the swimming pool there. Senator Tally's husband, Joe, was a student at Harvard and Hubert was a student at Harvard, and the tales they could tell about how they worked to put those men through school was something to hear.

"She also talked about public life and how much she enjoyed serving her home of Greensboro. She did consider that to be her home, in Guilford County. If there was anything that I've ever heard her criticize or that she didn't like, was if someone stood up as we tend to do sometimes and, as you might say, put on airs or become a little pompous, or posture a little bit, I can hear her under her breath talking about 'em. And she didn't care for that a little bit. Not even a little bit, and more than one time I've heard her talk about it and I always tried not to put on airs or posture when she was back of me because I knew I could hear her having me to sit down. Mary led by example. She loved North Carolina, she loved the General Assembly, she loved Hubert, she loved that boat, and she loved that dog. Thank you."

By Senator Edwards:

"Mr. President and Members of the Senate, I sat one seat removed from Senator Seymour during the last Session. And I must admit that I have almost for a half century ministered to a lot of people. But I don't believe I've ministered to people who seemed to have had the kind of relationship that she and her husband had, because I would watch her at times because she was not well, as we know, but I'm sure that if Hubert sat in this area here, he watched her and before I knew that she had any kind of need, he was there, ready to help her, because across the years I'm sure that he knew by her expressions and by her movements just what her needs were. I don't believe, across the years, that I've seen anybody who faced the inevitable, death, that is, as did Mary Seymour. She knew it was inevitable, soon, that is, but she faced it with faith and with poise and with confidence. Mary Seymour not only taught us how to live, but she also taught us how to die. And Hubert, at this point, I can empathize with you. Thank you, Mr. President."

By Senator Plexico:

"When I came here as a freshman five years ago, we had an orientation. Senator Hartsell, you remember that? Senator Forrester? And in the midst of all of us true freshmen, there was somebody else there, and it was Mary Seymour.

And she'd already served several terms in the House, she had been in the Senate, but Mary came back, she'd been re-elected again, after having been absent, I think, for a term, and I guess decided, Hubert, that she needed to go back to school and see what all this newfangled stuff these freshmen were going to learn so she could be just as good. Well, she was a whole lot better. But I was so amazed to find someone who'd been here to attend that orientation with us, and the end of that week we went to the Angus Barn, my first foray to the Angus Barn, and I sat by Mary that night. And she told me, explained to me how much this Body would come to mean to me and how much the friendships would. And she was right on both counts. But she didn't know how much of a leader she would be to me, and I think all those freshmen in that class who looked to her. I could sit on this aisle over here and look over, Senator Carpenter, where you're sitting and I guess the thing I can say about Mary Seymour is that she was one tough lady. And I think to Mary, that would be the highest compliment. And we will miss her dearly."

By Senator Conder:

"Thank you, Mr. President. Ladies and gentlemen of the Senate, I don't want to be redundant and repeat, but I first met Mary in my freshman year, 1985, that was the year, Hubert, she sat out. And she came into my office, it was over in the other building—I remember it just as it were today. She had a broken leg, and Hubert and I were reminiscing a few minutes ago about her broken leg and how it happened, but it goes that they were in Spain on a vacation and traveling the country, and they were traveling around and she tripped over just a little old strip of something that caused her to fall, and Hubert had rented this car because they wanted to tour the whole country while they were over there. And this doctor was with them, and he wanted to tour the whole country, so he kept giving Mary some type medication to not hold her back because they wanted to make the whole trip. So he gave her, I think it was codeine or something so they could finish the trip, which they did. As it turned out, Mary had a broken leg, but as soon as she got back to this country, she had a job doing a little lobbying, so she was lobbying, I think, for one of the railroads at that time. And I really got started to know her then. But Mary Seymour was a lady of strength, she was a lady of courage, she was a lady of conviction, and, yes, Senator Perdue, she inspired us all. But, most of all, Mary Seymour was a lady of integrity. And I commend this resolution to you. Thank you, very much."

By Senator Cochrane:

"Senator Seymour was already in the House when I came down here, and she was one of those Democrats who was friendly to a freshman Republican, and I always valued that. One of the things I have always remembered about Mary is something that I read years ago, that reputation is what you are known by, character is what you are. Reputation is what is on your epitaph, character is what you are in the hereafter. I am absolutely convinced that the character that we have all witnessed the last four years secured a very wonderful place in the hereafter for Mary Seymour. Another thing, sometimes, for us who are on the back row, times get kinda tough. Everybody doesn't love us, everybody doesn't want us to do well. The one thing that I particularly remember the last four years, sitting here, is when things would get to where they were maybe a little tougher than usual, I would see Mary and I would think, 'By golly, what that lady can do, I can

try to do,' because the character that's there is something I hope to have sometime. Hubert, it has been an honor for us to know the both of you and your family."

By Senator Basnight:

"Thank you, Mr. President. Hubert, Mary's children, Penny, Wanda, all friends, Senators. She was a wonderful person. She saw a better day, a better opportunity for others. She knew the sun would shine, and she knew, as well, that night would come, C.R. She realized that there would be times when the days weren't quite what she would want them to be. She was a giant of a person. R. C., I remember when she came to the Senate and sat behind Russell and yourself, and then when she moved to the chair that Senator Carpenter now holds. I'll cherish the moments and times that Hubert joined us, as the 'other Senator' from Guilford, and supported a grand lady. A lady that gave me courage and knowledge that there are people stronger than those of us in politics or those of us that we surround ourselves with as our friends and our neighbors. We understand and realize that there are more powerful forces that keep us strong and allow us to have the will and the determination to make a better life for others.

"Senator Shaw, I remember well, as you remember, and everyone here, the night that Hubert and her walked across this Chamber for the last time, and I saw, as many others saw, a person who had dedicated their entire life to helping people. You speak of losing someone and not seeing them during this life of ours on earth. I know we all feel today as we talk and think about Mary and reminisce some that Mary is in the proper place. Mary is where all of us desire to be.

"Senator Soles, yes, that was her pet peeve. I remember a day when there was great debate and discussion among some Senators and the cameras were in the Chamber. The debate meant very little, the discussion even less, and Mary said as she walked out of Chambers this way, to me, Hubert, that 'that's typical of that you–know–who, to take our time when there's more important matters of what we should be about.' And I stood behind Hubert for a few brief minutes and I jeckled with him about something that was rather funny, and he said, 'You know, Senator, you're not much different than the debate today. Hardly worth the conversation.'

"Ken Levenbook, who's worked in the Senate from the day since I came here was telling me a story, Hubert, that you'll appreciate, and you'll like, because it describes Mary very well in her determination and dogmatic ways to succeed and do things on behalf of her constituents and the people of this State. He was having his first newborn, a young son, about that time that she came to the Senate. I forgot the time, Ken, that it was, but I believe about 12:20 in the morning that Mary called Ken Levenbook about a bill that he was drafting—the very minute that his son's head was entering the new world. And the doctor reported that not only do you have a new son, but you have a Senator on the phone that needs to talk to you if you could just stop labor ever so briefly.

"She did contribute a lot. She's a person that I hope my daughter can follow maybe, in some small way, the type of life that she led. Hubert, we miss her and we love you. And to the children, you had a magnificent mother. We thank you for letting us share with her life in this Senate on behalf of the people she loved and on behalf of the great State of North Carolina."

By Senator Speed:

"Members of the Senate, and the audience, I had the good fortune of knowing Mary Seymour when she served in the House and in the Senate. And I have served a number of terms in the Senate, as well as a few in the House, and with some of the finest citizens that North Carolina has ever produced. But I have never served with anyone that I thought had as much courage and as much dedication as Mary Seymour. She was a very outstanding citizen, she was a fine citizen. All of the things that have been said in the resolution and the fine remarks that have been made, I could certainly say ditto. But we all have lost a fine Senator, and North Carolina has lost one of its finest citizens."

Lieutenant Governor Wicker:

"The Chair at this time would like to make a few remarks about the resolution. Fifteen years ago I was elected to the House and I stepped foot into those Chambers and met Mary Seymour. And I won't go into all that's already been said about this outstanding North Carolinian, but I'll tell all of you that the thing that sticks out in my mind about this lady is what a tenacious, courageous fighter she was.

"I remember, as a freshman in the House, she came by my office to explain a bill to me that she was advocating and wanted my support for her bill. And it's one of my favorite stories about Mary Seymour, because as the conversation proceeded and she patiently explained the bill to me over a thirty–minute period, and as a first–term member, I was carefully listening, trying to understand it. I finally after that period of time looked at Mary and I said, 'Representative Seymour, I'm sorry, I just don't understand your bill.' And she looked me right in the eye and she said, 'Representative Wicker, you don't have to understand it, just vote for the doggone thing.' And that was Mary Seymour.

"If you go up to the Capitol and visit the office which I occupy at this time, you'll see a picture on the mantel. It's a photograph taken of Mary Seymour and I right here in this Chamber on opening day 1993. It appeared in color on the front page of the Greensboro News & Record. And Mary brought me that picture, Hubert, and she was very proud of that day. And that picture and that photograph faces this building. And I want you and your family to know that every day when I come to that office, I think about Mary Seymour because she was truly an inspiration to all of us."

With unanimous consent, the joint resolution passes its second and third readings with members standing, and is ordered sent to the House of Representatives.

The Chair extends courtesies of the floor and gallery to the family of Mary Frances Powell Seymour, Hubert E. Seymour, Jr., Cmdr. and Mrs. Hubert E. Seymour III, and Dr. and Mrs. Robert Seymour and her granddaughter, Shannon.

The Senate acknowledges the Seymour family with a standing ovation.

H.B. 82, a bill to allow members of the General Assembly and chairs of county boards of commissioners to administer oaths of office.

The bill passes its second (50–0) and third readings and is ordered enrolled.

The Chair extends courtesies of the floor to Tommy Taft, former Senator from Pitt County.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 563 (Committee Substitute), a bill to annex certain described property into the corporate limits of the Town of Cornelius and to clarify the zoning jurisdiction of the Town of Huntersville, as written by the **Local Government and Regional Affairs Committee**, with a favorable report.

H.B. 142 (Committee Substitute), a bill to make technical changes relating to the repeal of the intangibles tax and to other tax laws, with a favorable report.

S.B. 388, a bill to amend the pesticide law, with a favorable report, as amended.

H.B. 754, a bill to provide that when a water and sewer authority was formed by a county and one city, and the majority of the customers of the authority are located within a city that is not a member, that city may join the authority and appoint members to its governing board, with a favorable report, as amended.

S.B. 584, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University, with a favorable report.

S.B. 765, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill and to amend Chapter 451 of the 1993 Session Laws regarding a wholly self–liquidating project at the University of North Carolina at Greensboro, with a favorable report.

H.B. 108 (Committee Substitute), a bill to provide specialized registration plates for retired clerks of Superior Court, with a favorable report.

H.B. 759, a bill to provide that a home for the aged, sick, or infirm whose property is exempt from property tax is allowed a refund of State and local sales and use taxes, with a favorable report.

H.B. 993, a bill to implement the recommendations of the Committee on Appropriations by establishing the percentage rates for the insurance regulatory charge and the public utility regulatory fee, with a favorable report.

With unanimous consent, on motion of Senator Sherron, the rules are suspended, and the bill is placed on today's Calendar for consideration upon second reading.

S.B. 591 (Committee Substitute), a bill to establish a license for customer service representatives, to establish a temporary license, and to make conforming changes

to the law that governs the licensing and continuing education requirements of insurance agents and brokers, with an unfavorable report as to Committee Substitute bill as written by the **Pensions and Retirement/Insurance/State Personnel Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Sherron, the proposed Committee Substitute bill No. 2, 6631, is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re–referred to the **Appropriations Committee.**

S.B. 646, a bill to establish a Workers' Compensation Fund for volunteer fire, rescue, and EMS workers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill 8643, which changes the title to read **S.B. 646** (Committee Substitute), a bill to establish a Workers' Compensation Fund for volunteer fire, rescue, and EMS workers, to increase the monthly pension benefits and the monthly pension contributions for these workers, to increase contributions to the Volunteer Fire Department Fund, to reimburse volunteer fire departments and volunteer rescue squads for highway use tax paid on their fire trucks and rescue vehicles, and to generate revenue for these purposes, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Thursday, June 1, for further consideration.

CALENDAR (Continued)

H.B. 135, a bill to make confidential all photographic images recorded by the Division of Motor Vehicles for drivers licenses.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 135**, a bill to make confidential all photographic images and signatures recorded by the Division of Motor Vehicles for drivers licenses and special identification cards.

The bill, as amended, passes its second (47–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 312, a bill to permit Chimney Rock Village to hold certain ABC elections.

The bill passes its second (41–5) and third readings and is ordered enrolled.

H.B. 420 (Committee Substitute), a bill to revise the law governing the procedures for filing and maintaining shareholder derivative suits.

The Committee Substitute bill passes its second (46–1) and third readings and is ordered enrolled.

H.B. 758 (Committee Substitute), a bill to adjust charges by lenders.

The Committee Substitute bill passes its second (44–2) and third readings and is ordered enrolled.

H.B. 837 (Committee Substitute), a bill to modify the time limit within which motor vehicle manufacturers and distributors may audit and chargeback dealers for warranty repairs.

The Committee Substitute bill passes its second (45–1) and third readings and is ordered enrolled.

H.B. 958 (Committee Substitute), a bill to authorize reimbursement for licensed professional counselors under the State Health Plan for mental heath and chemical dependency treatment.

The Committee Substitute bill passes its second (41–7) and third readings and is ordered enrolled.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 473, a bill to make procedural changes and technical corrections to the North Carolina Limited Liability Company Act, to allow retroactive indemnification of a manager or member of a limited liability company, and to extend the usury exemption to limited liability companies and partnerships, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 6170, which changes the title, upon concurrence, to read **H.B. 473** (Senate Committee Substitute), a bill to make procedural changes and technical corrections to the North Carolina Limited Liability Company Act, to allow retroactive indemnification of a manager or member of a limited liability company, to extend the usury exemption to limited liability companies and partnerships, and amend the Professional Corporation Act, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 1, for further consideration.

H.B. 766, a bill to clarify and make uniform the laws regarding the sale and distribution of tobacco products to persons less than eighteen years old, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 3172 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Thursday, June 1, for further consideration.

CALENDAR (Continued)

S.B. 309, a bill relating to notices of *lis pendens* by the City of Winston–Salem, for concurrence in the House Committee Substitute bill, which changes the title,

upon concurrence to read **S.B. 309** (House Committee Substitute), a bill to provide for the filing of notices of *lis pendens* in the enforcement of housing and building standards by cities and counties.

The Chair rules the House Committee Substitute bill changes the local bill to a public bill which requires consideration upon second and third readings.

The Senate concurs in the House Committee Substitute bill upon second reading (45–0) and the measure remains on the Calendar for tomorrow, Thursday, June 1, for further consideration upon third reading.

S.B. 312 (House Committee Substitute), a bill to allow an insanity hearing for a defendant found not guilty by reason of insanity to be held in the same county as the respondent's trial was held, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46–0) and the measure is ordered enrolled.

S.B. 405 (House Committee Substitute), a bill to amend the State Personnel Act relating to the definition of career State employee, the grounds for State employee appeals, the investigatory duties of the Office of State Personnel, and the priority consideration of State employees in filling vacancies; to provide for the adoption of an alternative dispute resolution procedure by the State Personnel Commission; and to allow alternative observance of the New Year's Holiday, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46–0) and the measure is ordered enrolled.

S.B. 413 (House Committee Substitute), a bill to authorize the conversion of savings associations and savings banks into commercial banks, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46–0) and the measure is ordered enrolled.

H.B. 993, a bill to implement the recommendations of the Committee on Appropriations by establishing the percentage rates for the insurance regulatory charge and the public utility regulatory fee, placed earlier today on the Calendar for consideration upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Smith, Soles, Warren, Webster, and Winner—46.

Voting in the negative: Senator Clark—1.

The bill is ordered placed on the Calendar for tomorrow, Thursday, June 1, for further consideration upon third reading.

On motion of Senator Basnight, seconded by Senator Martin of Guilford and Senator Shaw, the Senate adjourns at 5:03 P.M. in memory of former Senator Mary Frances Powell Seymour, to meet tomorrow, Thursday, June 1, at 3:00 P.M.

SEVENTY-FOURTH DAY

SENATE CHAMBER,
Thursday, June 1, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father, we have been admonished at important times by every well-meaning person we know including preachers, family, and friends to pray for what we need.

"Indeed, by Your Marvelous Grace, O God, You have answered some of our prayers before the words of petition ever crossed our lips.

"But for the other times, when Your Response in not so forthcoming, the things, Dear Lord, that we pray for, give us the grace to labor for. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Parnell, due to a business appointment, and to Senator Sawyer.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, May 31, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 312 (House Committee Substitute), an act to allow an insanity hearing for a defendant found not guilty by reason of insanity to be held in the same county as the respondent's trial was held. (Ch. 140)

S.B. 405 (House Committee Substitute), an act to amend the State Personnel Act relating to the definition of career State employee, the grounds for State employee appeals, the investigatory duties of the Office of State Personnel, and the priority consideration of State employees in filling vacancies; to provide for the adoption of an alternative dispute resolution procedure by the State Personnel Commission; and to allow alternative observance of the New Year's Holiday. (Ch. 141)

S.B. 413 (House Committee Substitute), an act to authorize the conversion of savings associations and savings banks into commercial banks. (Ch. 142)

S.B. 556, an act to specify how the proceeds of the Burke occupancy tax shall be divided between the two purposes for which they may be used. (Ch. 143)

S.B. 582 (House Committee Substitute), an act to permit the Cities of Charlotte, Wilmington and Winston-Salem; the Towns of Atlantic Beach and Chapel Hill; and

New Hanover County to regulate by ordinance the possession of malt beverages and unfortified wine. (Ch. 144)

S.B. 772, an act to remove the sunset from the Office of Administrative Hearings Mediation Program. (Ch. 145)

S.B. 884, an act to allow the preparation of fire sprinkler planning and design drawings by a licensed fire sprinkler contractor under the Engineering and Land Surveying Act. (Ch. 146)

H.B. 82, an act to allow members of the General Assembly and chairs of county boards of commissioners to administer oaths of office. (Ch. 147)

H.B. 312, an act to permit Chimney Rock Village to hold certain ABC elections. (Ch. 148)

H.B. 420 (Committee Substitute), an act to revise the law governing the procedures for filing and maintaining shareholder derivative suits. (Ch. 149)

H.B. 517, an act to amend the law prohibiting the discharge of firearms on registered land in Vance County by providing for registration at any time and by eliminating the requirement that registration be renewed annually. (Ch. 150)

H.B. 578 (Senate Committee Substitute), an act making a qualified public records exception from the Public Records Act for the Geographical Information Systems of the Cities of Concord, Greensboro, High Point, and Salisbury and Cabarrus, Cumberland and Guilford Counties. (Ch. 151)

H.B. 592, an act to amend the law prohibiting the discharge of firearms on registered land in Granville County by providing for registration at any time, by eliminating the requirement that registration be renewed annually, and by providing that a registrant must furnish the posted notices required to comply with the law. (Ch. 152)

H.B. 606 (Committee Substitute), an act to clarify the duties of the trustee of an irrevocable life insurance trust. (Ch. 153)

H.B. 638 (Senate Committee Substitute), an act to permit the City of Sanford and the Graham County Board of Education to convey certain parcels of real property at private sale, to allow Montgomery County to acquire property for use by Montgomery Community College and to authorize the Montgomery Community College Board of Trustees to convey property to the County in connection with improvement and repair of the property. (Ch. 154)

H.B. 758 (Committee Substitute), an act to adjust charges by lenders. (Ch. 155)

H.B. 837 (Committee Substitute), an act to modify the time limit within which motor vehicle manufacturers and distributors may audit and chargeback dealers for warranty repairs. (Ch. 156)

H.B. 958 (Committee Substitute), an act to authorize reimbursement for licensed professional counselors under the State Health Plan for mental heath and chemical dependency treatment. (Ch. 157)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Education/Higher Education Committee**:

S.B. 770, a bill to require a determination of the appropriate reading/writing medium for each visually impaired student and to appropriate funds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the proposed Committee Substitute bill A656, which changes the title to read **S.B. 770** (Committee Substitute), a bill to appropriate funds for professionals certified as teachers of the visually impaired to assist local school administrative units primarily in rural areas, is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

H.B. 6 (Committee Substitute), a bill to grant additional management flexibility to local boards of education, to ensure that local boards of education are held accountable for the use of that flexibility, to assess the relationship between expenditures for public schools and student performance, and to make conforming statutory changes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner, the rules are suspended, and the proposed Senate Committee Substitute bill 6169 is placed before the Senate for immediate consideration, and on her further motion is adopted.

On motion of Senator Winner, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 6, for further consideration.

H.B. 955, a bill to increase educational opportunity by authorizing the creation and funding of charter schools, which are deregulated schools under public control, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner, the rules are suspended, and the proposed Senate Committee Substitute bill 4172 is placed before the Senate for immediate consideration, and on her further motion is adopted.

On motion of Senator Winner, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 6, for further consideration.

By Senator Sherron for the **Finance Committee**:

S.B. 170, a bill to eliminate double taxation of a motor vehicle when the owner moves away and then returns to the State within one year, with a favorable report, as amended.

S.B. 908, a bill relating to the power of water and sewer authorities created pursuant to Article 1 of Chapter 162A of the General Statutes to require connections to water systems, sewer systems, or combined water and sewer systems owned, leased, or operated, by the authorities and to the power of cities and counties to require connections to water and sewer systems, with a favorable report, as amended.

S.B. 994, a bill to provide that annual reports of business corporations and limited liability companies shall be filed with the Department of Revenue rather than the Secretary of State, to establish fees for expedited filings, to provide that nonprofit corporations are not required to file annual reports, to allow the Secretary of State to retain filed documents in reproduced form, to extend the deadline to allow the reinstatement of dissolved corporations, and to prevent the use of duplicate corporate names, with a favorable report, as amended.

On motion of Senator Sherron, the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Sherron, the Chair orders the Committee Substitute bill, as amended, engrossed and re-referred to the **Appropriations Committee**.

CALENDAR

H.B. 142 (Committee Substitute), a bill to make technical changes relating to the repeal of the intangibles tax and to other tax laws, on today's Calendar upon second reading.

With unanimous consent, on motion of Senator Sherron, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the Committee Substitute bill is postponed until Wednesday, June 7.

S.B. 584, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University, on today's Calendar.

With unanimous consent, on motion of Senator Sherron, the bill is taken up out of its regular order of business. The President rules the bill requires a call of the roll. On motion of Senator Sherron, consideration of the bill is postponed until Wednesday, June 7, upon second reading.

S.B. 646 (Committee Substitute), a bill to establish a Workers' Compensation Fund for volunteer fire, rescue, and EMS workers, to increase the monthly pension benefits and the monthly pension contributions for these workers, to increase contributions to the Volunteer Fire Department Fund, to reimburse volunteer fire departments and volunteer rescue squads for highway use tax paid on their fire trucks and rescue vehicles, and to generate revenue for these purposes, on today's Calendar.

With unanimous consent, on motion of Senator Sherron, the Committee Substitute bill is taken up out of its regular order of business. The President rules the Committee Substitute bill requires a call of the roll. On motion of Senator Sherron, consideration of the Committee Substitute bill is postponed until Wednesday, June 7, upon second reading.

S.B. 765, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill and to amend Chapter 451 of the 1993 Session Laws regarding a wholly self–liquidating project at the University of North Carolina at Greensboro, on today's Calendar.

With unanimous consent, on motion of Senator Sherron, the bill is taken up out of its regular order of business. The President rules the bill requires a call of the roll. On motion of Senator Sherron, consideration of the bill is postponed until Wednesday, June 7, upon second reading.

H.B. 759, a bill to provide that a home for the aged, sick, or infirm whose property is exempt from property tax is allowed a refund of State and local sales and use taxes, on today's Calendar.

With unanimous consent, on motion of Senator Sherron, the bill is taken up out of its regular order of business, and on his further motion, consideration of the bill is postponed until Monday, June 5.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

S.B. 534, a bill to amend the law regulating surety bondsmen, bail bondsmen, and runners, with a favorable report, as amended.

On motion of Senator Gulley, the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1, is adopted.

On motion of Senator Gulley, the Chair orders the bill, as amended, engrossed and re–referred to the **Finance Committee.**

H.B. 459, a bill to provide for the cancellation of a note or other indebtedness secured by a deed of trust or mortgage by execution of a certificate of satisfaction, with a favorable report, as amended.

S.B. 188, a bill to require revocation of the licensing privileges of a person who is delinquent in child support payments, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the proposed Committee Substitute bill 4636, which changes the title to read **S.B. 188** (Committee Substitute), a bill to improve the enforcement of child support by creating additional remedies, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Committee Substitute bill is adopted, and on his further motion is re–referred to the **Appropriations Committee.**

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 272 (Committee Substitute), a bill to allow partial distribution awards prior to final judgment in equitable distribution cases, with a favorable report.

H.B. 268, a bill to reconform the mileage reimbursement for out-of-State witnesses to that received by in-State witnesses and State employees, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

H.B. 829 (Committee Substitute), a bill to amend the various grounds for discipline of practitioners of chiropractic by the State Board of Chiropractic Examiners, with a favorable report.

WITHDRAWAL FROM CALENDAR

S.B. 646 (Committee Substitute), a bill to establish a Workers' Compensation Fund for volunteer fire, rescue, and EMS workers, to increase the monthly pension benefits and the monthly pension contributions for these workers, to increase contributions to the Volunteer Fire Department Fund, to reimburse volunteer fire departments and volunteer rescue squads for highway use tax paid on their fire trucks and rescue vehicles, and to generate revenue for these purposes, placed earlier today on the Calendar for Wednesday, June 7.

Senator Kerr offers a motion the Committee Substitute bill be taken from the Calendar for Wednesday, June 7, and re-referred to the **Appropriations Committee**, which motions the Chair entertains and orders the measure temporarily displaced.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 563 (Committee Substitute), a bill to annex certain described property into the corporate limits of the Town of Cornelius and to clarify the zoning jurisdiction of the Town of Huntersville, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Odom, Page, Perdue, Plexico, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: Senator McKoy—1.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 5, for further consideration upon third reading.

H.B. 615 (Committee Substitute), a bill to redefine the corporate limits of the Town of Stanfield, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford,

McDaniel, Odom, Page, Perdue, Plexico, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: Senator McKoy—1.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 5, for further consideration upon third reading.

H.B. 643, a bill to redefine the boundaries of the Heartsease Fire Tax District and the Harrison Fire Tax District in Edgecombe County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Odom, Page, Perdue, Plexico, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: Senator McKoy—1.

The bill is ordered placed on the Calendar for Monday, June 5, for further consideration upon third reading.

H.B. 68, a bill to allow the Town of Beech Mountain to require that rental residential dwelling units have smoke detectors and fire extinguishers.

The bill passes its second and third readings and is ordered enrolled.

H.B. 173, a bill to create a safety zone around Merchants Millpond State Park by prohibiting hunting in the vicinity of the Park.

The bill passes its second and third readings and is ordered enrolled.

H.B. 314 (Committee Substitute No. 2), a bill to amend the law relating to Mount Airy's Firefighters' Supplementary Fund.

The Committee Substitute bill No. 2 passes its second and third readings and is ordered enrolled.

H.B. 471, a bill to repeal local acts applicable to the City of Charlotte or to both the City of Charlotte and the County of Mecklenburg.

The bill passes its second and third readings and is ordered enrolled.

H.B. 498, a bill to amend the Charter of the City of Charlotte with respect to the disposition of real property to persons of low or moderate income.

The bill passes its second and third readings and is ordered enrolled.

H.B. 513 (Committee Substitute No. 2), a bill to increase the monthly benefit for retired Charlotte firefighters.

The Committee Substitute bill No. 2 passes its second and third readings and is ordered enrolled.

H.B. 536 (Committee Substitute), a bill to provide that Gaston County may use the proceeds of its occupancy tax only for economic development to promote travel and tourism.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 583 (Committee Substitute), a bill relating to the Alamance County Public Law Library.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 584, a bill to provide for election of the nine members of the Anson County Board of Education from seven single–member districts, plus two at–large members elected by limited voting.

The bill passes its second and third readings and is ordered enrolled.

H.B. 697, a bill to allow Avery County to use its own crews and equipment to complete Phase II of its Community Recreation Facility.

The bill passes its second and third readings and is ordered enrolled.

H.B. 713, a bill to permit the personal use of Matthews police cars within specific areas.

The bill passes its second and third readings and is ordered enrolled.

H.B. 603 (Committee Substitute), a bill to remove the sunset on the authorization for Alamance County to enter into a contract to repair the Alamance County Courthouse and to provide that the County of Edgecombe may use the design/build delivery system for the construction of a county detention facility.

The Committee Substitute bill passes its second reading.

Senator Webster objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, June 5, for further consideration upon third reading.

S.B. 384, a bill relating to pyrotechnics in the City of Winston–Salem, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 384** (House Committee Substitute), a bill relating to pyrotechnics in Forsyth County.

The Senate concurs in the House committee Substitute bill (44–0) and the measure is ordered enrolled.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

H.B. 208 (Committee Substitute), a bill to allow Edgecombe, Greene, Jackson and Madison Counties to acquire property for use by their county boards of education, changing the title, upon concurrence, to read **H.B. 208** (Senate Committee Substitute No. 2), a bill to allow Alleghany, Currituck, Edgecombe, Greene, Halifax, Jackson, Madison, Moore, Randolph, Scotland, Union, and Wake Counties to acquire property for use by their county boards of education and to clarify that boards of education have the same degree of construction oversight when a county owns the property upon which the school buildings are built as when the local boards own the property, as amended, upon third reading.

The Senate Committee Substitute bill No. 2, as amended, passes its third reading by roll–call vote, ayes 43, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East,

Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Webster—43.

Voting in the negative: Senators Ballantine, Perdue, and Winner—3.

The Senate Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 993, a bill to implement the recommendations of the Committee on Appropriations by establishing the percentage rates for the insurance regulatory charge and the public utility regulatory fee, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Cooper, Dannelly, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Odom, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—41.

Voting in the negative: Senators Clark, Ledbetter, McKoy, and Page—4.

The bill is ordered enrolled.

H.B. 766 (Senate Committee Substitute), a bill to clarify and make uniform the laws regarding the sale and distribution of tobacco products to persons less than eighteen years old, on today's Calendar.

With unanimous consent, on motion of Senator Soles, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 6.

H.B. 108 (Committee Substitute), a bill to provide specialized registration plates for retired clerks of Superior Court, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Odom, Page, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—44.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 5, for further consideration upon third reading.

S.B. 388, a bill to amend the pesticide law.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted (42–2).

The bill, as amended, passes its second reading (42–3).

With unanimous consent, the bill, as amended, remains before the Senate for further consideration upon third reading.

Senator Gulley offers Amendment No. 2.

Senator Albertson calls the previous question, seconded by Senator Conder. The call is sustained.

Amendment No. 2 fails of adoption (5–40) and the question reverts to passage of the bill, as amended, upon third reading.

The bill, as amended, passes its third reading (43–3) and is ordered engrossed and sent to the House of Representatives.

H.B. 423, a bill to provide for the distribution of copies of certain publications to the State Personnel Commission and to the Office of State Personnel.

The bill passes its second (41–5) and third readings and is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 824, a bill to direct the appropriate State departments how to exercise the State's authority under the Clean Water Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the proposed Committee Substitute bill 2647, which changes the title to read **S.B. 824** (Committee Substitute), a bill to direct the appropriate State departments how to exercise the State's authority under the Clean Water Act and to establish the Wetlands Mitigation Bank and Wetlands Restoration Fund, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the Committee Substitute bill is adopted and on his further motion is re-referred to the **Appropriations Committee**.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

H.B. 446, a bill modifying contract letting procedures and limitations applicable to the Department of Transportation.

The bill passes its second (43–1) and third readings and is ordered enrolled.

H.B. 461 (Committee Substitute), a bill to authorize the use of red lights on vehicles transporting blood.

The Committee Substitute bill passes its second (46–0) and third readings and is ordered enrolled.

H.B. 473, a bill to make procedural changes and technical corrections to the North Carolina Limited Liability Company Act, to allow retroactive indemnification of a manager or member of a limited liability company, and to extend the usury exemption to limited liability companies and partnerships, changing the title, upon concurrence, to read **H.B. 473** (Senate Committee Substitute), a bill to make procedural changes and technical corrections to the North Carolina Limited Liability Company Act, to allow retroactive indemnification of a manager or member of

a limited liability company, to extend the usury exemption to limited liability companies and partnerships, and amend the Professional Corporation Act.

With unanimous consent, on motion of Senator Cooper, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 6.

H.B. 754, a bill to provide that when a water and sewer authority was formed by a county and one city, and the majority of the customers of the authority are located within a city that is not a member, that city may join the authority and appoint members to its governing board.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (45–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 788 (Committee Substitute), a bill to include hospital and medical service corporation plans under the Life and Health Insurance Guaranty Association Act.

The Committee Substitute bill passes its second (45–0) and third readings and is ordered enrolled.

H.B. 799, a bill to modify the definition of credit accident and health insurance.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (44–1) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 707 (House Committee Substitute), a bill to amend the law relating to the share of after–born or after–adopted children, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45–0) and the measure is ordered enrolled.

S.B. 309, a bill relating to notices of *lis pendens* by the City of Winston–Salem, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 309** (House Committee Substitute), a bill to provide for the filing of notices of *lis pendens* in the enforcement of housing and building standards by cities and counties, upon third reading.

The Senate concurs in the House Committee Substitute bill upon its third reading (44–2), and the measure is ordered enrolled.

S.B. 646 (Committee Substitute), a bill to establish a Workers' Compensation Fund for volunteer fire, rescue, and EMS workers, to increase the monthly pension benefits and the monthly pension contributions for these workers, to increase contributions to the Volunteer Fire Department Fund, to reimburse volunteer fire departments and volunteer rescue squads for highway use tax paid on their fire trucks and rescue vehicles, and to generate revenue for these purposes, placed earlier today on the Calendar for Wednesday, June 7, with the motion to take the measure from the Calendar of June 7 and re–refer it to the **Appropriations Committee** pending.

With unanimous consent, Senator Kerr withdraws his motion that the Committee Substitute bill be taken from the Calendar of June 7 and re–referred to the **Appropriations Committee**.

The Committee Substitute bill remains on the Calendar for June 7.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to G.S. 143B–181.55(b), the North Carolina Senior Tar Heel Legislature submits its Report of the North Carolina Senior Tar Heel Legislature to the North Carolina General Assembly.

On motion of Senator Basnight, seconded by Senator Edwards, the Senate adjourns at 4:29 P.M. to meet Monday, June 5, at 7:00 P.M.

SEVENTY–FIFTH DAY

SENATE CHAMBER,
Monday, June 5, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Andy Oliver, Youth Minister of Pleasant Ridge Baptist Church in Shelby, as follows:

"Our Father, we enter into Your Presence not with profound words nor with noble insights, but simply with open minds and willing hearts yielding to Your Guidance.

"Make us aware of Your Presence and Leadership in the business conducted and decisions made.

"Most importantly, God, make us sensitive to the fact that there is a world beyond these walls. Convict us of our duty to make it a better place. In Your Most Holy Name. Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Hobbs; to Senator Sawyer; and to Senator Hartsell to attend a meeting of the Cabarrus County Commission.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, June 1, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Patricia W. Smith of Raleigh, who is serving the Senate as Doctor of the Day.

The Chair recognizes Senator Basnight, President *Pro Tempore*, who appoints Senator Albertson, Senator Cochrane, Senator Conder, Senator Davis, Senator

Jordan, Senator Plexico, and Senator Shaw to serve as an escort committee to greet and escort Dana Ann Stephenson, Miss North Carolina 1994; the 1995 Miss North Carolina Pageant contestants, and Sheila R. Lee, President/Executive Director of the Miss North Carolina Pageant upon their arrival to the Senate Chamber.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 309 (House Committee Substitute), an act to provide for the filing of notices of lis pendens in the enforcement of housing and building standards by cities and counties. (Ch. 158)

S.B. 384 (House Committee Substitute), an act relating to pyrotechnics in Forsyth County. (Ch. 159)

S.B. 428, an act to amend the law regarding the Supplemental Welfare Fund for firemen in Forsyth County. (Ch. 160)

S.B. 707 (House Committee Substitute), an act to amend the law relating to the share of after-born or after-adopted children, as recommended by the General Statutes Commission. (Ch. 161)

H.B. 68, an act to allow the Town of Beech Mountain to require that rental residential dwelling units have smoke detectors and fire extinguishers. (Ch. 162)

H.B. 134 (Senate Committee Substitute), an act to make technical and clarifying changes to the motor vehicle laws and other laws concerning the Department of Transportation, and to validate certain recorded instruments where seals have been omitted. (Ch. 163)

H.B. 173, an act to create a safety zone around Merchants Millpond State Park by prohibiting hunting in the vicinity of the Park. (Ch. 164)

H.B. 314 (Committee Substitute No. 2), an act to amend the law relating to Mount Airy's Firefighters' Supplementary Fund. (Ch. 165)

H.B. 423, an act to provide for the distribution of copies of certain publications to the State Personnel Commission and to the Office of State Personnel. (Ch. 166)

H.B. 446, an act modifying contract letting procedures and limitations applicable to the Department of Transportation. (Ch. 167)

H.B. 461 (Committee Substitute), an act to authorize the use of red lights on vehicles transporting blood. (Ch. 168)

H.B. 471, an act to repeal local acts applicable to the City of Charlotte or to both the City of Charlotte and the County of Mecklenburg. (Ch. 169)

H.B. 498, an act to amend the Charter of the City of Charlotte with respect to the disposition of real property to persons of low or moderate income. (Ch. 170)

H.B. 513 (Committee Substitute No. 2), an act to increase the monthly benefit for retired Charlotte firefighters. (Ch. 171)

H.B. 536 (Committee Substitute), an act to provide that Gaston County may use the proceeds of its occupancy tax only for economic development to promote travel and tourism. (Ch. 172)

H.B. 583 (Committee Substitute), an act relating to the Alamance County Public Law Library. (Ch. 173)

H.B. 584, an act to provide for election of the nine members of the Anson County Board of Education from seven single-member districts, plus two at-large members elected by limited voting. (Ch. 174)

H.B. 697, an act to allow Avery County to use its own crews and equipment to complete Phase II of its Community Recreation Facility. (Ch. 175)

H.B. 713, an act to permit the personal use of Matthews police cars within specific areas. (Ch. 176)

H.B. 788 (Committee Substitute), an act to include hospital and medical service corporation plans under the Life and Health Insurance Guaranty Association Act. (Ch. 177)

H.B. 993, an act to implement the recommendations of the Committee on Appropriations by establishing the percentage rates for the insurance regulatory charge and the public utility regulatory fee. (Ch. 178)

CALENDAR

S.B. 908, a bill relating to the power of water and sewer authorities created pursuant to Article 1 of Chapter 162A of the General Statutes to require connections to water systems, sewer systems, or combined water and sewer systems owned, leased, or operated, by the authorities and to the power of cities and counties to require connections to water and sewer systems, on tonight's Calendar upon second reading.

With unanimous consent, on motion of Senator Cochrane, the bill is taken up out of its regular order of business, and on her further motion the bill is postponed until Tuesday, June 6.

H.B. 108 (Committee Substitute), a bill to provide specialized registration plates for retired clerks of Superior Court, on tonight's Calendar upon third reading.

With unanimous consent, on motion of Senator Sherron, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the Committee Substitute bill is postponed until Wednesday, June 7.

H.B. 759, a bill to provide that a home for the aged, sick, or infirm whose property is exempt from property tax is allowed a refund of State and local sales and use taxes, on tonight's Calendar upon third reading.

With unanimous consent, on motion of Senator Sherron, the bill is taken up out of its regular order of business, and on his further motion, the bill is recommitted to the **Finance Committee**.

S.B. 170, a bill to eliminate double taxation of a motor vehicle when the owner moves away and then returns to the State within one year, on tonight's Calendar.

With unanimous consent, on motion of Senator Odom, the bill is taken up out of its regular order of business, and on his further motion, the bill is re–referred to the **Appropriations Committee**.

H.B. 603 (Committee Substitute), a bill to remove the sunset on the authorization for Alamance County to enter into a contract to repair the Alamance County Courthouse and to provide that the County of Edgecombe may use the design/build delivery system for the construction of a county detention facility, on tonight's Calendar upon third reading.

With unanimous consent, on motion of Senator Cochrane, the Committee Substitute bill is taken up out of its regular order of business, and on her further motion, consideration of the Committee Substitute bill is postponed until Tuesday, June 6.

H.B. 239 (Committee Substitute), a bill to allow Currituck and Union Counties to acquire property for use by the County Board of Education, on tonight's Calendar upon third reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the Committee Substitute bill is postponed until Monday, June 12.

COURTESIES OF THE FLOOR

Senator Basnight announces the presence of a delegation from the 1995 Miss North Carolina Pageant.

With unanimous consent, on motion of Senator Basnight, the rules are suspended to the end they are granted privileges of the floor.

The Chair directs the Escort Committee appointed earlier to escort the delegation to the Well of the Senate. Senator Conder presents Sheila Lee, President/Executive Director of the North Carolina Pageant to the President of the Senate, who welcomes the visitors and presents the contestants to the Senate. The President recognizes Ms. Lee who offers brief remarks. Following her remarks, the Chair directs each 1995 Miss North Carolina Pageant contestant present to introduce herself and state her community service project, ending with the reigning Miss North Carolina. The Chair offers congratulatory remarks to the contestants and Miss North Carolina, and directs the Escort Committee to escort the delegation from the Chamber. (*See Appendix*).

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 154 (Committee Substitute), a bill to increase the minimum property damage amount for a reportable motor vehicle accident and to resolve inconsistencies in the law concerning accident reports, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, June 6.

S.B. 180 (Committee Substitute), a bill to increase the minimum payment due to the Employment Security Commission from one dollar to five dollars, to authorize certain businesses to file annual reports with the Employment Security Commission rather than quarterly reports, and to authorize certain businesses that are allowed to file annual reports to file by telephone, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 180** (House Committee Substitute), a bill to modify the payment and reporting requirements and the collection procedures for unemployment contributions and to provide for a reduction in these contributions in certain circumstances, which is placed on the Calendar for tomorrow, Tuesday, June 6.

S.B. 259 (Committee Substitute No. 2), a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense and to protect merchants and peace officers from civil liability for detention or arrest of persons accused of larceny, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence to read **S.B. 259** (House Committee Substitute), a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense and to protect merchants and peace officers from civil liability for detention or arrest of persons accused of larceny or shoplifting while on store premises.

On motion of Senator Soles, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration, upon concurrence.

The Senate concurs in the House Committee Substitute bill (43–1), changing the title, and the measure is ordered enrolled.

S.B. 886 (House Committee Substitute), a bill to amend the hospital cooperation act regarding cooperative agreements, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, June 6.

H.B. 556 (Committee Substitute), a bill to enable joint municipal power agencies to effect corporate reorganization and to make technical changes to the statutes governing joint municipal power agencies.

The Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

H.B. 676, a bill to authorize establishment of an Outer Banks Beautification District and provide for the levy and collection of property taxes in the District, subject to approval of the voters of the District.

The bill is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

H.B. 761 (Committee Substitute), a bill to provide for the licensure of foreign legal consultants and to authorize foreign legal consultants to engage in a limited practice of law in North Carolina.

The Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

APPOINTMENT BY THE GOVERNOR

The Chair directs the Reading Clerk to read:

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh, 27603–8001

June 5, 1995

The Honorable Dennis Wicker
President of the Senate
2104 Legislative Building
Raleigh, NC 27601

Dear Mr. President:

Pursuant to General Statute 126–2, I hereby appoint Allen Wellons and George Allison as members of the North Carolina State Personnel Commission and submit their names for confirmation by the North Carolina General Assembly. Each of them will serve a term to begin July 1, 1995 and to expire June 30, 2001.

Biographical information on Mr. Wellons and Reverend Allison is enclosed. Please feel free to call on them or my staff if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt
Governor

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

COMMITTEE REFERRAL RECALL

H.B. 295 (Committee Substitute), a bill to establish priority for payment of liability claims for rental cars under certain circumstances, referred to the **Commerce Committee** on May 25.

Pursuant to Rule 47(b), Senator Parnell offers a motion the Committee Substitute bill be taken from the **Commerce Committee** and re–referred to the **Pensions and Retirement/Insurance/State Personnel Committee**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Commerce Committee** and refers the measure to the **Pensions and Retirement/Insurance/ State Personnel Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 563 (Committee Substitute), a bill to annex certain described property into the corporate limits of the Town of Cornelius and to clarify the zoning jurisdiction of the Town of Huntersville, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Webster, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 615 (Committee Substitute), a bill to redefine the corporate limits of the Town of Stanfield, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 643, a bill to redefine the boundaries of the Heartsease Fire Tax District and the Harrison Fire Tax District in Edgecombe County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 272 (Committee Substitute), a bill to allow partial distribution awards prior to final judgment in equitable distribution cases.

The Committee Substitute bill passes its second reading (45-1).

Senator Cooper objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, June 6, for further consideration upon third reading.

H.B. 459, a bill to provide for the cancellation of a note or other indebtedness secured by a deed of trust or mortgage by execution of a certificate of satisfaction.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (45-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 829 (Committee Substitute), a bill to amend the various grounds for discipline of practitioners of chiropractic by the State Board of Chiropractic Examiners.

The Committee Substitute bill passes its second (43–0) and third readings and is ordered enrolled.

PAGES

The President recognizes the following pages serving in the Senate this week:

Christen Adele Batchelor, Raleigh; Jerry Bradford Bishop, Wingate; Clint Houston Davis, Gastonia; Jewelyn Dunn, Raleigh; Katherine Elizabeth Dunn, New Bern; Allison Claire Edmonds, Sanford; Wesley Faulk, Monroe; Michael Brian Gribble, Dallas; Dorothy Williams Harvey, Kinston; Robert G. Hewett, Greensboro; William R. Hupman III, Mebane; Carol Henley King, Raleigh; Daniel Lawrence Leder, Whiteville; India Autumn Lucas, Charlotte; Charles H. Mercer III, Raleigh; Caroline Bowers Mitchell, Goldsboro; Michael Byron Nelms, Greenville; Emmett Perdue, New Bern; Steven D. Ritchie, Stanley; John D. Rock, Jr., Louisburg; Brandon Lee Russell, Burlington; Charles Leftridge Toney III, Louisburg; Kevin D. Walls, Cary; Scott Wicker, Sanford; Brian O'Neil Williams, Monroe; Tiffany Jo Winters, Raleigh; Rebecca Dial Wolf, Raleigh; and Elizabeth Yarborough, Louisburg.

On motion of Senator Basnight, seconded by Senator Perdue, the Senate adjourns at 8:26 P.M. to meet tomorrow, Tuesday, June 6, at 3:00 P.M.

SEVENTY-SIXTH DAY

SENATE CHAMBER,
Tuesday, June 6, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Terry Cagle, the Pastor of Pleasant Ridge Baptist Church in Shelby, as follows:

"We give thanks today for our participation in the most precious of all gifts—the gift of life. This participation includes the many responsibilities given us to serve in the truest sense of servanthood. Guide us as we fulfill our calling so that we may be found faithful. Grant us wisdom as we search for solutions to the problems of humanity. In all things we acknowledge and serve You—our God. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Sawyer.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, June 5, has been examined and is found to be correct. On his motion,

the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Robert Rothbart of Greensboro, who is serving the Senate as Doctor of the Day.

COMMITTEE REFERRAL RECALL

H.B. 222, a bill to make a technical correction to G.S. 120–70.2 regarding filling of vacancies on the Joint Legislative Utility Review Committee as recommended by the Joint Legislative Utility Review Committee, referred to the **Rules and Operation of the Senate Committee** on May 25.

Pursuant to Rule 47(b), Senator Rand offers a motion the bill be taken from the **Rules and Operation of the Senate Committee** and re–referred to the **Commerce Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Rules and Operation of the Senate Committee** and refers the measure to the **Commerce Committee.**

RECALL FROM THE HOUSE OF REPRESENTATIVES

H.B. 208 (Committee Substitute), a bill to allow Edgecombe, Greene, Jackson and Madison Counties to acquire property for use by their county boards of education, changing the title, upon concurrence, to read **H.B. 208** (Senate Committee Substitute No. 2), a bill to allow Alleghany, Currituck, Edgecombe, Greene, Halifax, Jackson, Madison, Moore, Randolph, Scotland, Union, and Wake Counties to acquire property for use by their county boards of education and to clarify that boards of education have the same degree of construction oversight when a county owns the property upon which the school buildings are built as when the local boards own the property, ordered sent to the House of Representatives on June 1 for concurrence in the Senate Committee Substitute bill No. 2.

Senator Kerr offers a motion the Senate Committee Substitute bill No. 2 be recalled from the House of Representatives for further consideration, which motion prevails, with unanimous consent.

A message is ordered sent to the House of Representatives respectfully requesting the return of the measure for further consideration by the Senate.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 317, an act to repeal the Advisory Committee on Home and Community Care. (Ch. 179)

S.B. 575, an act to increase the membership of the Legislative Ethics Committee, to designate committee cochairs from each legislative chamber, and to make conforming changes. (Ch. 180)

S.B. 764, an act to make adjustments in the Deer Management Assistance Program of the Wildlife Resources Commission. (Ch. 181)

S.B. 890, an act to amend the definition of cardiac rehabilitation program and to make conforming changes to the law governing cardiac rehabilitation programs. (Ch. 182)

S.B. 1001, an act to clarify the applicability of the Beach Access Program to projects designed to provide access to coastal waters. (Ch. 183)

S.B. 1041, an act to establish the minimum streamflow in the length of the stream affected by certain dams operated by small hydroelectric power producers and to provide that the minimum streamflows thus specified are the policy of the State for such dams, whether or not a particular dam is subject to the Dam Safety Law of 1967. (Ch. 184)

S.B. 259 (House Committee Substitute), an act to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense and to protect merchants and peace officers from civil liability for detention or arrest of persons accused of larceny or shoplifting while on store premises. (Ch. 185)

H.B. 409 (Committee Substitute), an act to add certain drugs to the controlled substances law. (Ch. 186)

H.B. 643, an act to redefine the boundaries of the Heartsease Fire Tax District and the Harrison Fire Tax District in Edgecombe County. (Ch. 187)

H.B. 829 (Committee Substitute), an act to amend the various grounds for discipline of practitioners of chiropractic by the State Board of Chiropractic Examiners. (Ch. 188)

H.B. 615 (Committee Substitute), an act to redefine the corporate limits of the Town of Stanfield. (Ch. 189)

S.J.R. 538, a joint resolution providing for a joint session of the General Assembly to consider action on the appointments by the Governor of new members to the State Board of Education. (Res. 7)

S.J.R. 945, a joint resolution setting the date for the House of Representatives and Senate to elect members to the State Board of Community Colleges. (Res. 8)

The Chair extends courtesies of the floor to Howard Lee, former Senator from Orange County.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 912 (Committee Substitute), a bill to amend Article 11 of Chapter 130A of the General Statutes regarding wastewater systems, with a favorable report, as amended.

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee:**

S.B. 1011, a bill providing early retirement options to State employees subject to the State Personnel Act who are separated from employment due to reductions in force and otherwise relating to the rights and benefits of employees separated from State employment due to reductions in force, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 1728, which changes the title to read **S.B. 1011** (Committee Substitute), a bill providing early retirement options to State employees who are separated from employment due to reductions in force and otherwise relating to the rights and benefits of employees separated from State employment due to reductions in force, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Bills received from the House of Representatives on June 5 and ordered held in the Office of the Principal Clerk pending referral by the Chairman of the **Rules and Operation of the Senate Committee** pursuant to Rule 43, are referred to committee as follows:

H.B. 556 (Committee Substitute), a bill to enable joint municipal power agencies to effect corporate reorganization and to make technical changes to the statutes governing joint municipal power agencies.

Referred to **Finance Committee.**

H.B. 676, a bill to authorize establishment of an Outer Banks Beautification District and provide for the levy and collection of property taxes in the District, subject to approval of the voters of the District.

Referred to **Finance Committee.**

H.B. 761 (Committee Substitute), a bill to provide for the licensure of foreign legal consultants and to authorize foreign legal consultants to engage in a limited practice of law in North Carolina.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re-referred to the **Finance Committee.**

Messages are received from the House of Representatives today transmitting bills and a resolution which are read the first time and disposed of, as follows:

S.B. 81 (House Committee Substitute), a bill to enact the revised Article 3 of the Uniform Commercial Code and conforming and miscellaneous amendments to Articles 1 and 4 of the Uniform Commercial Code, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, June 7.

S.B. 643 (House Committee Substitute), a bill to provide for prior notice of sewer system moratoria to the affected unit of government and to the public, for

concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, June 7.

H.B. 123 (Committee Substitute), a bill to revise the controlled substance excise tax.

Referred to **Finance Committee**.

H.B. 390, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University.

Referred to **Appropriations Committee**.

H.B. 1018, a bill to authorize local governments operating local confinement facilities to charge fees for nonemergency medical care provided to prisoners.

Referred to **Finance Committee**.

H.J.R. 1068, a joint resolution honoring the memory of Stephen Cabarrus and the City of Concord as it prepares for its bicentennial observance.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 603 (Committee Substitute), a bill to remove the sunset on the authorization for Alamance County to enter into a contract to repair the Alamance County Courthouse and to provide that the County of Edgecombe may use the design/build delivery system for the construction of a county detention facility, upon third reading.

Senator Webster offers Amendment No. 1, which proposes to change the title, upon concurrence, to read **H.B. 603** (Committee Substitute), a bill to remove the sunset on the authorization for Alamance County to enter into a contract to repair the Alamance County Courthouse and to provide that the County of Edgecombe may use the design/build delivery system for the construction of a county detention facility and to allow a referendum on school merger in Alamance County.

Senator Rand rises to a point of order as to Amendment No. 1 being germane to the Committee Substitute bill. The Chair takes the point of order under advisement and confers with Senator Rand and Senator Webster. Consequently, Senator Webster withdraws Amendment No. 1, with unanimous consent.

The Committee Substitute bill passes its third reading (47–0) and is ordered enrolled.

S.B. 908, a bill relating to the power of water and sewer authorities created pursuant to Article 1 of Chapter 162A of the General Statutes to require connections to water systems, sewer systems, or combined water and sewer systems owned, leased, or operated, by the authorities and to the power of cities and counties to require connections to water and sewer systems, upon second reading.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Smith, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: Senators Clark, Kincaid, Ledbetter, and Simpson—4.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, June 7, for further consideration upon third reading.

H.B. 6 (Senate Committee Substitute), a bill to grant additional management flexibility to local boards of education, to ensure that local boards of education are held accountable for the use of that flexibility, to assess the relationship between expenditures for public schools and student performance, and to make conforming statutory changes.

Senator Winner offers Amendment No. 1 which is adopted (48–0).

The Senate Committee Substitute bill, as amended, passes its second (47–1) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

S.B. 954, a bill to authorize the appointment of a new special superior court judge and to authorize a new district court judge and a new assistant district attorney for a drug court to be established in District 9, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

H.B. 634 (Committee Substitute), a bill relating to the authority and jurisdiction of city law enforcement officers while transporting persons in custody within the State, with a favorable report.

H.B. 805 (Committee Substitute), a bill to restore minimum penalties for major wildlife offenses and to make other minor revisions to the penalty provisions for wildlife offenses, with a favorable report.

H.B. 812 (Committee Substitute No. 2), a bill to reenact with modifications, certain misdemeanors relating to fires, with a favorable report.

H.B. 270 (Committee Substitute), a bill to make changes in the laws pertaining to alimony, with a favorable report, as amended.

H.B. 434 (Committee Substitute), a bill to limit, to modify, and enhance the attempting to elude arrest statutes, with a favorable report, as amended.

H.B. 645 (Committee Substitute), a bill to provide that local governments may regulate the possession of open containers of alcoholic beverages on public property and the possession of alcoholic beverages on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, with a favorable report, as amended.

CALENDAR (Continued)

H.B. 473, a bill to make procedural changes and technical corrections to the North Carolina Limited Liability Company Act, to allow retroactive indemnification of a manager or member of a limited liability company, and to extend the usury exemption to limited liability companies and partnerships, changing the title, upon concurrence, to read **H.B. 473** (Senate Committee Substitute), a bill to make procedural changes and technical corrections to the North Carolina Limited Liability Company Act, to allow retroactive indemnification of a manager or member of a limited liability company, to extend the usury exemption to limited liability companies and partnerships, and amend the Professional Corporation Act.

With unanimous consent, on motion of Senator Cooper, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 13.

H.B. 766 (Senate Committee Substitute), a bill to clarify and make uniform the laws regarding the sale and distribution of tobacco products to persons less than eighteen years old.

Following lengthy debate, the Senate Committee Substitute bill passes its second (47–2) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 273 (Committee Substitute), a bill to allow claims for equitable distribution to be resolved either before or after an absolute divorce is granted and to clarify the law concerning the interest in marital property of a subsequent spouse prior to equitable distribution of marital property of former marriage, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 6171 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, June 7, for further consideration.

S.B. 1014, a bill requiring criminal history records checks of unlicensed applicants for employment in nursing homes and domiciliary homes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 8649, which changes the title by deleting the "s" from the

word "records," to read **S.B. 1014** (Committee Substitute), a bill requiring criminal history record checks of unlicensed applicants for employment in nursing homes and domiciliary homes, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 7, for further consideration.

H.B. 269 (Committee Substitute), a bill to authorize district court judges to sanction parties to equitable distribution proceedings for purposeful, prejudicial delay of the proceedings, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 5163 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, June 7, for further consideration.

COMMITTEE REFERRAL RECALL

H.B. 72, a bill to criminalize indecent liberties between children, referred to the **Judiciary I/Constitution Committee** on April 12.

Pursuant to Rule 47(b), Senator Cooper offers a motion the bill be taken from the **Judiciary I/ Constitution Committee** and re–referred to the **Judiciary II/ Election Laws Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Judiciary I/Constitution Committee** and refers the measure to the **Judiciary II/Election Laws Committee.**

With unanimous consent, the President grants leaves of absence to Senator Jordan and to Senator Edwards for the remainder of today's Session.

CALENDAR (Continued)

H.B. 955 (Senate Committee Substitute), a bill to increase educational opportunity by authorizing the creation and funding of charter schools, which are deregulated schools under public control.

The Senate Committee Substitute bill passes its second (40–7) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 272 (Committee Substitute), a bill to allow partial distribution awards prior to final judgment in equitable distribution cases, upon third reading.

Senator Cooper offers Amendment No. 1 which is adopted (47–0).

The Committee Substitute bill, as amended, passes its third reading (47–0) and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 154 (Committee Substitute), a bill to increase the minimum property damage amount for a reportable motor vehicle accident and to resolve inconsistencies in the law concerning accident reports, for concurrence in House Amendment No. 1, upon second reading.

The Chair rules the Committee Substitute bill does not require a call of the roll upon concurrence.

The Senate concurs in House Amendment No. 1 (47–0) and the measure is ordered enrolled.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 839, a bill to provide for graduated motor vehicles drivers licenses as recommended by the North Carolina Child Fatality Task Force, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Committee Substitute bill 7691, which changes the title to read **S.B. 839** (Committee Substitute), a bill to provide for graduated drivers licenses for provisional licensees as recommended by the North Carolina Child Fatality Task Force, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 7, for further consideration.

S.B. 972, a bill authorizing the Secretary of the Department of Revenue to appoint employees of the Department as controlled substances tax agents to enforce the excise tax on controlled substances and counterfeit drugs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the proposed Committee Substitute bill 8651, which changes the title to read **S.B. 972** (Committee Substitute), a bill authorizing the Secretary of the Department of Revenue to appoint employees of the Department as revenue law enforcement agents to enforce the excise tax on controlled substances and counterfeit drugs and the criminal provisions of the revenue laws, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Committee Substitute bill is adopted, and on his further motion is re–referred to the **Appropriations Committee**.

S.B. 1049, a bill to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and allows credits for investments in certain investment businesses, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Committee Substitute bill 2648, which changes the title to read **S.B. 1049** (Committee Substitute), a bill to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and to limit credits for investments in certain investment businesses, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 7, for further consideration.

H.B. 593, a bill to incorporate the Town of Bogue, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Senate Committee Substitute bill 8195, which changes the title, upon concurrence, to read **H.B. 593** (Senate Committee Substitute), a bill to incorporate the Town of Bogue and concerning the Town of Chadwick Acres, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 7, for further consideration.

CALENDAR (Continued)

S.B. 886 (House Committee Substitute), a bill to amend the hospital cooperation act regarding cooperative agreements, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, June 7, for further consideration upon third reading.

S.B. 180 (Committee Substitute), a bill to increase the minimum payment due to the Employment Security Commission from one dollar to five dollars, to authorize certain businesses to file annual reports with the Employment Security Commission rather than quarterly reports, and to authorize certain businesses that are allowed to file annual reports to file by telephone, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 180** (House Committee Substitute), a bill to modify the payment and reporting requirements and the collection procedures for unemployment contributions and to provide for a reduction in these contributions in certain circumstances.

With unanimous consent, on motion of Senator Shaw, consideration of the House Committee Substitute bill is postponed until Wednesday, June 14.

On motion of Senator Basnight, seconded by Senator Horton, the Senate adjourns at 4:30 P.M. to meet tomorrow, Wednesday, June 7, at 3:00 P.M.

SEVENTY-SEVENTH DAY

SENATE CHAMBER,
Wednesday, June 7, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Infinite Love and Particular Compassion, You love all of us and each of us.

"We come bringing a patchwork quilt of hopes, fears, ideas to this place, all bound together by the determined belief that what goes on in this Senate Chamber may make a difference in the lives of the people of our State.

"May the fresh wind of Your Spirit blow through this place so that we might know of Your Presence and Guidance.

"More we cannot ask. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Sawyer.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, June 6, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 83, an act to enact the Uniform Statutory Rule Against Perpetuities, as recommended by the General Statutes Commission. (Ch. 190)

S.B. 154 (Committee Substitute), an act to increase the minimum property damage amount for a reportable motor vehicle accident and to resolve inconsistencies in the law concerning accident reports. (Ch. 191)

S.B. 303, an act to provide for removal of members of State Board of Community Colleges after unexcused absences from three consecutive scheduled Board meetings. (Ch. 192)

S.B. 353 (Committee Substitute), an act to make technical amendments and corrections in the insurance laws. (Ch. 193)

S.B. 483 (Committee Substitute), an act to require the inspection of bison meat that is to be used as food. (Ch. 194)

H.B. 135, an act to make confidential all photographic images and signatures recorded by the Division of Motor Vehicles for drivers licenses and special identification cards. (Ch. 195)

H.B. 507 (Senate Committee Substitute), an act to provide that the laws relating to motor vehicles apply on streets owned by the Colington Harbour Association, Inc., in Dare County, and to provide that the Town of Manteo may regulate noise in the Atlantic Ocean and other waterways adjacent to that portion of the Town within its boundaries or within its extraterritorial jurisdiction. (Ch. 196)

H.B. 546 (Committee Substitute), an act to permit one-stop voting on direct record voting equipment with retrievable ballots and to allow central counting of curbside ballots in Gaston, Guilford, Mecklenburg, and Union Counties. (Ch. 197)

H.B. 603 (Committee Substitute), an act to remove the sunset on the authorization for Alamance County to enter into a contract to repair the Alamance County Courthouse and to provide that the County of Edgecombe may use the design/build delivery system for the construction of a county detention facility. (Ch. 198)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee**:

H.B. 526 (Committee Substitute), a bill to increase the informal bid limits relating to the letting of purchase contracts by the City of Greensboro, with a favorable report.

H.B. 558, a bill to permit the Town of Catawba to annex areas lying within the corporate boundaries of that Town, with a favorable report.

H.B. 574 (Committee Substitute), a bill to incorporate the Town of Land Harbor, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 575 (Committee Substitute), a bill to remove the Town of Kernersville's local modifications to G.S. 58-84-35, formerly G.S. 118-7, with a favorable report.

H.B. 596 (Committee Substitute), a bill to describe the corporate limits of the City of New Bern, with a favorable report.

H.B. 618 (Committee Substitute), a bill to increase the threshold at which Mecklenburg County and the municipalities within the County may use force account qualified labor, with a favorable report.

H.B. 647, a bill to allow recall of the Mayor and Board of Commissioners of the Town of Aberdeen, with a favorable report.

H.B. 690, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue weapon permits in Ashe County, with a favorable report.

H.B. 692 (Committee Substitute), a bill allowing Wake County to use alternative methods of notification of property owners of proposed zoning notice changes, with a favorable report.

H.B. 696, a bill to designate the Chief of Medical Staff of Johnston Memorial Hospital as an ex officio trustee of the County Hospital Authority, with a favorable report.

H.B. 849 (Committee Substitute), a bill to permit the issuance of ABC permits at sports clubs in certain counties, with a favorable report.

By Senator Plyler for the **Appropriations Committee**:

S.B. 170, a bill to eliminate double taxation of a motor vehicle when the owner moves away and then returns to the State within one year, with a favorable report, as amended, by the **Finance Committee** on June 1, with a favorable report.

S.B. 291 (Committee Substitute), a bill to exempt certain nonprofit organizations from paying the license tax for specialty market operators, as written by the **Finance Committee**, with a favorable report.

S.B. 594, a bill to repeal the sunset for the mediation program for the Industrial Commission, with a favorable report.

S.B. 728, a bill to replace the substance abuse program within the Department of Correction with the Division of Alcoholism and Chemical Dependency Programs, as amended upon recommendation of the **Children and Human Resources Committee**, with a favorable report.

S.B. 815, a bill to amend the law relating to voting precincts, with a favorable report.

S.B. 914, a bill to provide for the sharing of sick leave between public school employees and State employees subject to the State Personnel Act, with a favorable report.

S.B. 249, a bill to reauthorize the Mental Health Study Commission, with a favorable report, as amended.

S.B. 570 (Committee Substitute), a bill to direct the Joint Legislative Utility Review Committee to study whether the extension of an interstate natural gas pipeline should be encouraged by exempting generation facilities served by that pipeline from regulation as public utilities, as written by the **Commerce Committee**, with a favorable report, as amended.

S.B. 1012, a bill to improve the regulation of petroleum underground storage tanks and the cleanup of leaking petroleum underground storage tanks, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended, and the proposed Committee Substitute bill 6634 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for Thursday, June 8, for further consideration.

By Senator Lucas for the **Children and Human Resources Committee:**

H.B. 437, a bill to provide for the State of North Carolina to establish a State Veterans Home Program in the Division of Veterans Affairs of the Department of Administration, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

H.B. 821 (Committee Substitute), a bill to include encouragement of breast feeding in services provided by the State maternal and child health program, with a favorable report.

By Senator Parnell for the **Commerce Committee:**

H.B. 366 (Committee Substitute), a bill to direct the Utilities Commission to issue certificates of convenience and necessity for natural gas service for all areas of the State for which certificates have not been issued, with a favorable report.

H.B. 424 (Committee Substitute), a bill to make technical changes regarding the inspection of elevators and related devices, and regarding the collection of fees therefor, with a favorable report.

H.B. 736 (Committee Substitute), a bill to conform the North Carolina Financial Privacy Act to the federal Right to Financial Privacy Act, with a favorable report.

H.B. 447 (Committee Substitute), a bill to require an ambulance provider license, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Committee Substitute bill, as amended, is re-referred to the **Finance Committee.**

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee:**

S.B. 732, a bill to remove the monthly ceiling on disability benefits received by employees covered under the Teachers' and State Employees' Retirement System, with a favorable report.

On motion of Senator Soles, the bill is re-referred to the **Appropriations Committee.**

S.B. 872, a bill to support the appointment of families and individuals as guardians, to support the expansion and development of private nonprofit corporations as guardians, to provide that local departments of social services be the only local human resources agency to serve as guardians, to appropriate funds for guardianship services, and to make other changes, with a favorable report.

On motion of Senator Soles, the bill is re-referred to the **Appropriations Committee.**

H.B. 787 (Committee Substitute), a bill to provide for direct payment of licensed pharmacists under health insurance policies and plans, with a favorable report.

S.B. 733, a bill to restore the provision for purchase of out-of-State service in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System, with a favorable report, as amended.

S.B. 310, a bill to make employees of State licensing and examining boards members of the Teachers' and State Employees' Retirement System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 4573 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 678, a bill to set the insurance regulatory charge for calendar year 1995; to require insurers to pay NAIC filing fees; to allow the Commissioner to accept exam reports from unaccredited states; to allow money credited to the Consumer Protection Fund to be used to retain experts for hearings; and to require money recovered from delinquency proceedings or civil actions against the Commissioner be credited to the Fund, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the proposed Committee Substitute bill 2649, which changes the title to read **S.B. 678** (Committee Substitute), a bill to allow money credited to the Consumer Protection Fund to be used to retain experts for hearings and to require that money recovered from delinquency proceedings or civil actions against the Commissioner be credited to the Fund, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 333 (Committee Substitute), a bill to provide that a register of deeds who completes service after ten years of eligible service as register of deeds but does not commence retirement from the Local Governmental Employees' Retirement System may receive a monthly pension from the Register of Deeds' Supplemental Pension Fund upon retirement under the Local Governmental Employees' Retirement System, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Senate Committee Substitute bill 9156, which changes the title, upon concurrence, to read **H.B. 333** (Senate Committee Substitute), a bill to provide that a register of deeds who completes service after ten years of eligible service as register of deeds but does not commence retirement from the Local Governmental Employees' Retirement System may receive a monthly pension from the Register of Deeds' Supplemental Pension Fund upon retirement under the Local Governmental Employees' Retirement System, and to conform the earnings limitations of locally sponsored plans to those of the Local Governmental Employees' Retirement System, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 8, for further consideration.

CALENDAR

S.B. 584, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University, on today's Calendar upon second reading.

With unanimous consent, on motion of Senator Sherron, the bill is taken up out of its regular order of business, and on his further motion the bill is recommitted to the **Appropriations Committee**.

S.B. 646 (Committee Substitute), a bill to establish a Workers' Compensation Fund for volunteer fire, rescue, and EMS workers, to increase the monthly pension benefits and the monthly pension contributions for these workers, to increase contributions to the Volunteer Fire Department Fund, to reimburse volunteer fire departments and volunteer rescue squads for highway use tax paid on their fire trucks and rescue vehicles, and to generate revenue for these purposes, on today's Calendar upon second reading.

With unanimous consent, on motion of Senator Sherron, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion the Committee Substitute bill is re-referred to the **Appropriations Committee**.

S.B. 765, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill and to amend Chapter 451 of the 1993 Session Laws regarding a wholly self-liquidating project at the University of North Carolina at Greensboro, on today's Calendar upon second reading.

With unanimous consent, on motion of Senator Sherron, the bill is taken up out of its regular order of business, and on his further motion the bill is re-referred to the **Appropriations Committee**.

H.B. 142 (Committee Substitute), a bill to make technical changes relating to the repeal of the intangibles tax and to other tax laws, on today's Calendar upon second reading.

With unanimous consent, on motion of Senator Sherron, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion the Committee Substitute bill is re-referred to the **Appropriations Committee**.

H.B. 270 (Committee Substitute), a bill to make changes in the laws pertaining to alimony, on today's Calendar.

On motion of Senator Rand, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the Committee Substitute bill is postponed until Tuesday, June 13.

CONFIRMATION OF APPOINTMENT

Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee** submits the following report with a recommendation by the Committee as to the appointment by the Governor:

STATE PERSONNEL COMMISSION

In compliance with the provisions of G.S. 126–2 requiring appointees to the State Personnel Commission to be confirmed by the General Assembly, Governor Hunt has submitted his appointees, Allen Wellons and George Allison, for confirmation. Their term will begin July 1, 1995 and expire on June 30, 2001.

The Senate Committee on Pensions & Retirement/Insurance/State Personnel has considered the appointments and makes the following recommendation to the General Assembly:

> That the appointments of Allen Wellons and George Allison to the State Personnel Commission beginning July 1, 1995, and expiring June 30, 2001, be confirmed.

The Chair orders the report placed on the Calendar for Thursday, June 8, for adoption.

COMMITTEE REFERRAL RECALL

H.B. 903, a bill to modify the time limit within which motor vehicle manufacturers and distributors may audit and chargeback dealers for warranty repairs, referred to the **Commerce Committee** on May 9.

Pursuant to Rule 47(b), Senator Parnell offers a motion the bill be taken from the **Commerce Committee** and re–referred to the **Transportation Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Commerce Committee** and refers the measure to the **Transportation Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 208
(Senate Committee Substitute No. 2)

House of Representatives
June 7, 1995

Mr. President:

Pursuant to your request, we are returning Senate Committee Substitute # 2 for **HB 208**, A BILL TO BE ENTITLED AN ACT TO ALLOW ALLEGHANY, CURRITUCK, EDGECOMBE, GREENE, HALIFAX, JACKSON, MADISON, MOORE, RANDOLPH, SCOTLAND, UNION, AND WAKE COUNTIES TO

ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION AND TO CLARIFY THAT BOARDS OF EDUCATION HAVE THE SAME DEGREE OF CONSTRUCTION OVERSIGHT WHEN A COUNTY OWNS THE PROPERTY UPON WHICH THE SCHOOL BUILDINGS ARE BUILT AS WHEN THE LOCAL BOARDS OWN THE PROPERTY, for further consideration by your Honorable Body.

Respectfully,
S/Denise Weeks
Principal Clerk

Senator Kerr offers a motion to the end the rules be suspended and the Senate Committee Substitute No. 2, as amended, be placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails.

Senator Kerr offers a motion that the vote by which the Senate Committee Substitute bill No. 2, as amended, passed its third reading be reconsidered, which motion prevails, and the question becomes the Senate Committee Substitute bill No. 2, as amended, upon third reading.

Senator Kerr offers Amendment No. 2 which is adopted (48–1).

On motion of Senator Kerr, the Chair orders, without objection, the Senate Committee Substitute bill No. 2, as amended, temporarily displaced.

With unanimous consent, the Senate reconsiders, and the Senate Committee Substitute bill No. 2, as amended, remains before the Senate upon third reading.

The Senate Committee Substitute bill No. 2, as amended, passes its third reading by roll–call vote, ayes 36, noes 12, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Guilford, McKoy, Odom, Plexico, Plyler, Rand, Shaw, Sherron, Smith, Soles, and Warren—36.

Voting in the negative: Senators Ballantine, Blackmon, Dannelly, Kincaid, Martin of Pitt, McDaniel, Page, Perdue, Simpson, Speed, Webster, and Winner—12.

The Senate Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 85 (House Committee Substitute), a bill to authorize honorary trusts, trusts for pets, and trusts for cemetery lots, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, June 8.

S.B. 344 (Committee Substitute), a bill to establish the requirements for certification to teach notary courses, to allow revocation of notarial commissions for notaries who fail to administer oaths or affirmations, to provide that applicants for

recommissioning need not obtain the recommendation of a publicly elected official, and to allow the Secretary of State law enforcement agents to enforce the notary Chapter, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, by correcting a printing error inserting the word "and" after the word "affirmation," to read **S.B. 344** (House Committee Substitute), a bill to establish the requirements for certification to teach notary courses, to allow revocation of notarial commissions for notaries who fail to administer oaths or affirmations, and to provide that applicants for recommissioning need not obtain the recommendation of a publicly elected official, and to allow the Secretary of State law enforcement agents to enforce the notary Chapter, which is placed on the Calendar for tomorrow, Thursday, June 8.

S.B. 348, a bill to permit the State to use the Setoff Debt Collection Act to recoup funds owed by teachers who do not fulfill their obligations under the National Board for Professional Teaching Standards Program, for concurrence in the House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, June 8.

S.B. 449, a bill relating to practice restrictions imposed on health care workers who are infected with HIV or Hepatitis B, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, June 8.

S.B. 755, a bill to change the designated legislative membership of the Committee on Employee Hospital and Medical Benefits, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 755** (House Committee Substitute), a bill to change the designated legislative membership of the Committee on Employee Hospital and Medical Benefits and their terms, which is placed on the Calendar for tomorrow, Thursday, June 8.

H.B. 576 (Committee Substitute No. 3), a bill to incorporate the Town of Summerfield, subject to a referendum.

The Committee Substitute bill No. 3 is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution which is read the first time and disposed of, as follows:

H.J.R. 981, a joint resolution honoring the memory of underage military veterans who died serving their country and commending the Veterans of Underage Military Service, Inc.

On motion of Senator Rand, the rules are suspended, without objection, and the joint resolution is placed before the Senate for immediate consideration, and on his further motion the joint resolution is read in its entirety.

With unanimous consent, the joint resolution passes its second and third readings, with members standing, and is ordered enrolled.

The Chair extends courtesies of the gallery to Jack Hoffler, Commander of the North Carolina Chapter of the Veterans of Underage Military Service, Inc.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee**:

H.B. 642 (Committee Substitute), a bill to increase the size of the Board of Commissioners of Edgecombe County from five to seven members and provide for the electoral districts, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Jordan, the rules are suspended, and the proposed Senate Committee Substitute bill 2180, which changes the title, upon concurrence, to read **H.B. 642** (Senate Committee Substitute), a bill to increase the size of the Board of Commissioners of Edgecombe County from five to seven members and provide for the electoral districts, and to allow the Northampton County Board of Social Services to employ one of its members, is placed before the Senate for immediate consideration.

On motion of Senator Jordan, the Senate Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Thursday, June 8, for further consideration.

H.B. 661, a bill to change the method of filling a vacancy on the Halifax County Board of Education, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Jordan, the rules are suspended, and the proposed Senate Committee Substitute bill 3173, which changes the title, upon concurrence, to read **H.B. 661** (Senate Committee Substitute), a bill to fill the vacancy on the Halifax County Board of Education, is placed before the Senate for immediate consideration.

On motion of Senator Jordan, the Senate Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Thursday, June 8, for further consideration.

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

H.B. 851 (Committee Substitute), a bill to make changes with regard to forfeiture of surety bonds, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Senate Committee Substitute bill 7225, which changes the title, upon concurrence, to read **H.B. 851** (Senate Committee Substitute), a bill to change some procedures with regard to surety bonds, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Senate Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Thursday, June 8, for further consideration.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 593, a bill to incorporate the Town of Bogue, changing the title, upon concurrence to read **H.B. 593** (Senate Committee Substitute), a bill to incorporate the Town of Bogue and concerning the Town of Chadwick Acres, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for Thursday, June 8, for further consideration upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 103, a bill to exempt from sales and use tax tangible personal property that is manufactured or purchased for resale by a wholesale merchant or a retailer and then donated to a nonprofit organization to be used for a charitable purpose, with a favorable report.

S.B. 807, a bill authorizing counties to participate in local vocational training and employment opportunity initiatives through the creation of regional vocational services authorities, with a favorable report.

S.B. 1055, a bill to modify the excise tax on newsprint, with a favorable report.

H.B. 504 (Committee Substitute), a bill to subtract any trade-in allowance in calculating the alternative highway use tax on leased vehicles, with a favorable report.

S.B. 689, a bill to provide for special registration plates for supporters of the Olympic Games, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill 9639 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Sherron, the Committee Substitute bill is placed on the Calendar for Thursday, June 8, for further consideration.

CALENDAR (Continued)

S.B. 908, a bill relating to the power of water and sewer authorities created pursuant to Article 1 of Chapter 162A of the General Statutes to require connections to water systems, sewer systems, or combined water and sewer systems owned, leased, or operated, by the authorities and to the power of cities and counties to require connections to water and sewer systems, as amended, upon third reading.

The bill, as amended, passes its third reading by roll–call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Webster, and Winner—45.

Voting in the negative: Senator Kincaid—1.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Education/Higher Education Committee**:

H.B. 739 (Committee Substitute), a bill to simplify the transfer of credit between North Carolina institutions of higher education, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner, the rules are suspended, and the proposed Senate Committee Substitute bill 9153 is placed before the Senate for immediate consideration, and on her further motion is adopted.

On motion of Senator Winner, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 12, for further consideration.

H.B. 740, a bill to facilitate the transfer of academic credit from community college programs to four–year college programs, with a favorable report, as amended.

On motion of Senator Winner, the bill is placed on the Calendar for Monday, June 12, for further consideration.

CALENDAR (Continued)

H.B. 108 (Committee Substitute), a bill to provide specialized registration plates for retired clerks of Superior Court, upon third reading.

Senator Odom offers Amendment No. 1, changing the title, upon concurrence, to read **H.B. 108** (Committee Substitute), a bill to provide specialized registration plates for retired clerks of Superior Court and for supporters of professional sports

teams, held to be material. Amendment No. 1 is adopted (49–0), which constitutes first reading of the measure.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, June 8, for further consideration upon second reading.

Senator Rand offers a motion the rules be suspended to the end the Committee Substitute bill, as amended, be taken from the Calendar for Thursday, June 8, and placed before the Senate for further consideration, which motion prevails with unanimous consent.

The Chair rescinds his order and the measure is placed before the Senate for further consideration upon second reading.

Senator Albertson offers Amendment No. 2, changing the title, upon concurrence, to read **H.B. 108** (Committee Substitute), a bill to provide specialized registration plates for retired clerks of Superior Court and for supporters of professional sports teams and to limit American Legion specialized registration plates to members of the American Legion, held to be material. Amendment No. 2 is adopted (48–0), constituting the first reading of the measure.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, June 8, for further consideration upon second reading.

S.B. 839 (Committee Substitute), a bill to provide for graduated drivers licenses for provisional licensees as recommended by the North Carolina Child Fatality Task Force.

The Committee Substitute bill passes its second reading (43–2).

Senator Martin of Pitt objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, June 8, for further consideration upon third reading.

S.B. 1014 (Committee Substitute), a bill requiring criminal history record checks of unlicensed applicants for employment in nursing homes and domiciliary homes.

The Committee Substitute bill passes its second (45–1) and third readings and is ordered sent to the House of Representatives.

S.B. 1049 (Committee Substitute), a bill to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and to limit credits for investments in certain investment businesses.

The Committee Substitute bill passes its second reading (46–1).

Senator McDaniel objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, June 8, for further consideration upon third reading.

H.B. 269 (Senate Committee Substitute), a bill to authorize district court judges to sanction parties to equitable distribution proceedings for purposeful, prejudicial delay of the proceedings.

The Senate Committee Substitute bill passes its second (47–1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 273 (Senate Committee Substitute), a bill to allow claims for equitable distribution to be resolved either before or after an absolute divorce is granted and

to clarify the law concerning the interest in marital property of a subsequent spouse prior to equitable distribution of marital property of former marriage.

The Senate Committee Substitute bill passes its second (46–1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 434 (Committee Substitute), a bill to limit, to modify, and enhance the attempting to elude arrest statutes.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

Following lengthy debate, Senator Ballance calls the previous question, seconded by Senator Ballantine. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading (42–5).

Senator Winner objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, June 8, for further consideration upon third reading.

H.B. 554, a bill to provide for flags to signal the presence of skiers and other persons in the water.

With unanimous consent, on motion of Senator Odom, the bill is re–referred to the **Appropriations Committee**.

H.B. 634 (Committee Substitute), a bill relating to the authority and jurisdiction of city law enforcement officers while transporting persons in custody within the State.

The Committee Substitute bill passes its second (46–0) and third readings and is ordered enrolled.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

H.B. 645 (Committee Substitute), a bill to provide that local governments may regulate the possession of open containers of alcoholic beverages on public property and the possession of alcoholic beverages on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted (48–0).

Senator Gulley offers Amendment No. 2.

On motion of Senator Gulley, the Chair orders, without objection, the Committee Substitute bill, as amended, temporarily displaced, with Amendment No. 2 pending.

H.B. 805 (Committee Substitute), a bill to restore minimum penalties for major wildlife offenses and to make other minor revisions to the penalty provisions for wildlife offenses.

The Committee Substitute bill passes its second (44–0) and third readings and is ordered enrolled.

H.B. 812 (Committee Substitute No. 2), a bill to reenact with modifications, certain misdemeanors relating to fires.

The Committee Substitute bill No. 2 passes its second (44–0) and third readings and is ordered enrolled.

H.B. 912 (Committee Substitute), a bill to amend Article 11 of Chapter 130A of the General Statutes regarding wastewater systems.

On motion of Senator Albertson, Committee Amendment No. 1 is adopted (45–1).

The Committee Substitute bill, as amended, passes its second reading (41–6).

Senator McDaniel objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, June 8, for further consideration upon third reading.

S.B. 886 (House Committee Substitute), a bill to amend the hospital cooperation act regarding cooperative agreements, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 81 (House Committee Substitute), a bill to enact the revised Article 3 of the Uniform Commercial Code and conforming and miscellaneous amendments to Articles 1 and 4 of the Uniform Commercial Code, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Senator Horton offers a motion further consideration of the House Committee Substitute bill be postponed until Monday, June 12, which motion prevails, with unanimous consent.

The Chair orders the House Committee Substitute bill placed on the Calendar for Monday, June 12, upon concurrence.

WITHDRAWAL FROM CALENDAR

S.B. 1012 (Committee Substitute), a bill to improve the regulation of petroleum underground storage tanks and the cleanup of leaking petroleum underground storage tanks, placed earlier today on the Calendar for Thursday, June 8.

Senator Kerr offers a motion the Committee Substitute bill be taken from the Calendar for Thursday, June 8, and placed on the Calendar for Monday, June 12, which motions prevail, with unanimous consent.

The Chair orders the Committee Substitute bill be taken from the Calendar for Thursday, June 8 and placed on the Calendar for Monday, June 12, for consideration upon its passage.

CALENDAR (Continued)

S.B. 643 (House Committee Substitute), a bill to provide for prior notice of sewer system moratoria to the affected unit of government and to the public, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46–0) and the measure is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plexico for the **Education/Higher Education Committee**:

H.B. 767 (Committee Substitute), a bill promoting the use of the Eddie Eagle Elementary Gun Safety Education Program in State's elementary schools, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Plexico, the rules are suspended, and the proposed Senate Committee Substitute bill A158, which changes the title, upon concurrence, to read **H.B. 767** (Senate Committee Substitute), a bill encouraging the State Board of Education to make available information on gun safety programs for the State's elementary schools, is placed before the Senate for immediate consideration.

On motion of Senator Plexico, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 12, for further consideration.

H.B. 65 (Committee Substitute), a bill to require the display of the United States flag in every public school classroom, to encourage the display of the North Carolina flag in every public school classroom, to require students in the public schools to recite the pledge of allegiance every day, to encourage the display of the United States and North Carolina flags and the recitation of the pledge of allegiance in private schools and home schools, and to encourage donations of flags to be displayed in every public school classroom, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Plexico, the rules are suspended, and the proposed Senate Committee Substitute bill 9157, which changes the title, upon concurrence, to read **H.B. 65** (Senate Committee Substitute), a bill to encourage the display of the United States and North Carolina flags in public school classrooms, to encourage the recital of the Pledge of Allegiance in the public schools, to direct the State Board of Education to develop model guidelines for implementing this act, and to encourage donations of flags to be displayed in public school classrooms, is placed before the Senate for immediate consideration.

On motion of Senator Plexico, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 12, for further consideration.

CALENDAR (Continued)

H.B. 645 (Committee Substitute), a bill to provide that local governments may regulate the possession of open containers of alcoholic beverages on public

property and the possession of alcoholic beverages on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, temporarily displaced earlier, with Amendment No. 2 pending.

With unanimous consent, on motion of Senator Gulley, further consideration of the Committee Substitute bill, as amended, is postponed until Monday, June 12, with Amendment No. 2 pending.

On motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 5:54 P.M. to meet tomorrow, Thursday, June 8, at 1:30 P.M.

SEVENTY-EIGHTH DAY

SENATE CHAMBER,
Thursday, June 8, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Great and Loving God, sometimes we speak too quickly and listen half-heartedly to the conversations of others. Sometimes we are easily distracted by glory that does not last. We also confess that we have tried at times to shut You away in the small boxes of our own agendas.

"Forgive us. Instead, today, may we give You our best, the best of our minds, open, searching; the best of our hearts; our first love; our deepest commitment.

"Then all these other things shall be added unto us. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Sawyer and to Senator Hobbs.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, June 7, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Daniel L. Albright of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 277, an act to remove the fifty acre limitation on condemning property for a school site. (Ch. 199)

S.B. 481, an act to allow the Lenoir County Board of Education to build a central office facility on land leased from the State of North Carolina. (Ch. 200)

S.B. 579, an act to authorize the Cleveland County Board of Education to dispose of certain property at private sale. (Ch. 201)

S.B. 643 (House Committee Substitute), an act to provide for prior notice of sewer system moratoria to the affected unit of government and to the public. (Ch. 202)

S.B. 699, an act to allow the Town of Red Springs to sell at private sale a parcel of property donated to the Town. (Ch. 203)

S.B. 832, an act to provide for the Court of Appeals to hear appeals in criminal cases in which life sentences are imposed. (Ch. 204)

S.B. 886 (House Committee Substitute), an act to amend the hospital cooperation act regarding cooperative agreements. (Ch. 205)

H.B. 634 (Committee Substitute), an act relating to the authority and jurisdiction of city law enforcement officers while transporting persons in custody within the State. (Ch. 206)

H.B. 754, an act to provide that when a water and sewer authority was formed by a county and one city, and the majority of the customers of the authority are located within a city that is not a member, that city may join the authority and appoint members to its governing board. (Ch. 207)

H.B. 799, an act to modify the definition of credit accident and health insurance. (Ch. 208)

H.B. 805 (Committee Substitute), an act to restore minimum penalties for major wildlife offenses and to make other minor revisions to the penalty provisions for wildlife offenses. (Ch. 209)

H.B. 812 (Committee Substitute No. 2), an act to reenact with modifications, certain misdemeanors relating to fires. (Ch. 210)

H.J.R. 981, a joint resolution honoring the memory of underage military veterans who died serving their country and commending the Veterans of Underage Military Service, Inc. (Res. 9)

CALENDAR

H.B. 575 (Committee Substitute), a bill to remove the Town of Kernersville's local modifications to G.S. 58–84–35, formerly G.S. 118–7, on today's Calendar.

With unanimous consent, on motion of Senator Jordan, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the Committee Substitute bill is postponed until Tuesday, June 13.

H.B. 690, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue weapon permits in Ashe County, on today's Calendar.

With unanimous consent, on motion of Senator Jordan, the bill is taken up out of its regular order of business, and on his further motion, consideration of the bill is postponed until Tuesday, June 13.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills for concurrence which are read and disposed of, as follows:

S.B. 84 (House Committee Substitute), a bill to place time limits on options in gross and other interests in land, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, June 12.

S.B. 501, a bill to require the parents of a dependent child who is the parent of a dependent child to contribute to the support of their grandchild, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for Monday, June 12.

S.B. 679, a bill to validate certain actions of water and sewer districts, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 679** (House Committee Substitute), a bill to validate certain actions of water and sewer districts and to provide for payment of relocation costs of water and sewer lines belonging to certain municipalities, which is placed on the Calendar for Monday, June 12.

CALENDAR

CONFIRMATION OF APPOINTMENTS
STATE PERSONNEL COMMISSION

The President lays before the Senate the first order of business on today's Calendar, it being the confirmation of appointments by the Governor of Allen Wellons and George Allison to the State Personnel Commission, with a favorable recommendation by the **Pensions and Retirement/Insurance/State Personnel Committee.**

The Senate adopts the report of the **Pensions and Retirement/Insurance/State Personnel Committee** by roll-call vote, ages 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Dannelly, Davis, East, Foxx, Gulley, Hartsell, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, McDaniel, Odom, Page, Parnell, Perdue, Plyler, Shaw, Soles, Speed, Webster, and Winner—34.

Voting in the negative: None.

The Senate confirms the appointments of Allen Wellons and George Allison to the State Personnel Commission for a term of office to begin July 1, 1995, and to expire on June 30, 2001, pursuant to G.S. 126-2. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 593, a bill to incorporate the Town of Bogue, changing the title, upon concurrence, to read **H.B. 593** (Senate Committee Substitute), a bill to incorporate the Town of Bogue and concerning the Town of Chadwick Acres, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Dannelly, Davis, East, Foxx, Gulley, Hartsell, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Shaw, Simpson, Soles, Speed, Webster, and Winner—39.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 558, a bill to permit the Town of Catawba to annex areas lying within the corporate boundaries of that Town, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Foxx, Gulley, Hartsell, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—44.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 12, for further consideration upon third reading.

H.B. 596 (Committee Substitute), a bill to describe the corporate limits of the City of New Bern, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Foxx, Gulley, Hartsell, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—44.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 12, for further consideration upon third reading.

H.B. 661, a bill to change the method of filling a vacancy on the Halifax County Board of Education, changing the title, upon concurrence, to read **H.B. 661** (Senate Committee Substitute), a bill to fill the vacancy on the Halifax County Board of Education, on today's Calendar.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further

motion, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 13.

H.B. 526 (Committee Substitute), a bill to increase the informal bid limits relating to the letting of purchase contracts by the City of Greensboro.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 618 (Committee Substitute), a bill to increase the threshold at which Mecklenburg County and the municipalities within the County may use force account qualified labor.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 642 (Committee Substitute), a bill to increase the size of the Board of Commissioners of Edgecombe County from five to seven members and provide for the electoral districts, changing the title, upon concurrence, to read **H.B. 642** (Senate Committee Substitute), a bill to increase the size of the Board of Commissioners of Edgecombe County from five to seven members and provide for the electoral districts, and to allow the Northampton County Board of Social Services to employ one of its members.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 647, a bill to allow recall of the Mayor and Board of Commissioners of the Town of Aberdeen.

The bill passes its second and third readings and is ordered enrolled.

H.B. 696, a bill to designate the Chief of Medical Staff of Johnston Memorial Hospital as an *ex officio* trustee of the County Hospital Authority.

The bill passes its second and third readings and is ordered enrolled.

H.B. 692 (Committee Substitute), a bill allowing Wake County to use alternative methods of notification of property owners of proposed zoning notice changes.

Senator Soles offers Amendment No. 1 which is adopted (44–0), changing the title, upon concurrence, to read **H.B. 692** (Committee Substitute), a bill allowing counties to use alternative methods of notification of property owners of proposed zoning notice changes.

The Chair rules the adoption of Amendment No. 1 changes the measure from a local bill to a public bill.

The Committee Substitute bill, as amended, passes its second (45–0) and third readings, and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Commerce Committee:**

H.B. 515, a bill to clarify the definition of the term "relevant market area" in the motor vehicle dealers and manufacturers licensing law, with a favorable report.

H.B. 222, a bill to make a technical correction to G.S. 120–70.2 regarding filling of vacancies on the Joint Legislative Utility Review Committee as recommended by the Joint Legislative Utility Review Committee, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Senate Committee Substitute bill 8192, which changes the title, upon concurrence, to read **H.B. 222** (Senate Committee Substitute), a bill to make a technical correction to G.S. 120–70.2 regarding filling of vacancies on the Joint Legislative Utility Review Committee as recommended by the Joint Legislative Utility Review Committee and providing for the confirmation of the appointment of Jo Anne Sanford to membership on the North Carolina Utilities Commission and of the appointment of Robert P. Gruber as Executive Director of the Public Staff of the North Carolina Utilities Commission, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 12, for further consideration as a special order of business.

H.B. 340 (Committee Substitute), a bill to provide that an individual who is unable to pass a controlled substance examination is ineligible for unemployment benefits under certain circumstances, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Senate Committee Substitute bill 8198 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Parnell, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 12, for further consideration.

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 90 (Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to authorize issuance of concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, and to make conforming statutory changes, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the proposed Senate Committee Substitute bill 8196, which changes the title, upon concurrence, to read **H.B. 90** (Senate Committee Substitute), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to issue concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, to increase the penalty

for carrying a concealed handgun without a permit, and to make conforming statutory changes, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Plexico for the **Education/Higher Education Committee:**

H.B. 834 (Committee Substitute), a bill (1) to provide for parental review of and to place certain restrictions on any instruction on sexually transmitted diseases or out-of-wedlock pregnancy given as part of a comprehensive school health program; (2) to make changes to the appointments to the State School Health Advisory Committee; (3) to require public schools to offer an abstinence until marriage program; and (4) to authorize local school boards to offer comprehensive sex education when certain requirements concerning review and local approval are satisfied, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Plexico, the rules are suspended, and the proposed Senate Committee Substitute bill 1272, which changes the title, upon concurrence, to read **H.B. 834** (Senate Committee Substitute), a bill (1) to require public schools to offer an abstinence until marriage program; (2) to authorize local school boards to offer comprehensive sex education when certain requirements concerning review and local approval are satisfied; and (3) to provide for parental review and approval of, and to place certain restrictions on, any instruction on sexually transmitted diseases, out-of-wedlock pregnancy, abstinence until marriage, and comprehensive sex education, whether developed by the State or a local board of education, is placed before the Senate for immediate consideration.

On motion of Senator Plexico, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 12, for further consideration.

CALENDAR (Continued)

S.B. 689 (Committee Substitute), a bill to provide for special registration plates for supporters of the Olympic Games, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Speed, Warren, Webster, and Winner—44.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 12, for further consideration upon third reading.

S.B. 807, a bill authorizing counties to participate in local vocational training and employment opportunity initiatives through the creation of regional vocational services authorities, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Smith, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: Senator Simpson—1.

The bill is ordered placed on the Calendar for Monday, June 12, for further consideration upon third reading.

S.B. 1055, a bill to modify the excise tax on newsprint, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 12, for further consideration upon third reading.

H.B. 108 (Committee Substitute), a bill to provide specialized registration plates for retired clerks of Superior Court, changing the title, upon concurrence, to read **H.B. 108** (Committee Substitute), a bill to provide specialized registration plates for retired clerks of Superior Court and for supporters of professional sports teams and to limit American Legion specialized registration plates to members of the American Legion, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, June 12, for further consideration upon third reading.

S.B. 103, a bill to exempt from sales and use tax tangible personal property that is manufactured or purchased for resale by a wholesale merchant or a retailer and then donated to a nonprofit organization to be used for a charitable purpose.

With unanimous consent, on motion of Senator Odom, the bill is re-referred to the **Appropriations Committee.**

S.B. 170, a bill to eliminate double taxation of a motor vehicle when the owner moves away and then returns to the State within one year.

On motion of Senator Odom, Committee Amendment No. 1, as recommended by the **Finance Committee,** is adopted.

The bill, as amended, passes its second (46–0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 249, a bill to reauthorize the Mental Health Study Commission.

On motion of Senator Plyler, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46–1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 291 (Committee Substitute), a bill to exempt certain nonprofit organizations from paying the license tax for specialty market operators.

The Committee Substitute bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives.

S.B. 570 (Committee Substitute), a bill to direct the Joint Legislative Utility Review Committee to study whether the extension of an interstate natural gas pipeline should be encouraged by exempting generation facilities served by that pipeline from regulation as public utilities.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

On motion of Senator Plyler, Committee Amendment No. 1 is adopted (48–0).

The Committee Substitute bill, as amended, passes its second (48–0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 594, a bill to repeal the sunset for the mediation program for the Industrial Commission.

The bill passes its second (48–0) and third readings and is ordered sent to the House of Representatives.

S.B. 728, a bill to replace the substance abuse program within the Department of Correction with the Division of Alcoholism and Chemical Dependency Programs, as amended.

The bill, as amended, passes its second (45–1) and third readings and is ordered sent to the House of Representatives.

S.B. 733, a bill to restore the provision for purchase of out–of–State service in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System.

On motion of Senator Soles, Committee Amendment No. 1 is adopted (46–1).

The bill, as amended, passes its second (46–1) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 504 (Committee Substitute), a bill to subtract any trade–in allowance in calculating the alternative highway use tax on leased vehicles, on today's Calendar.

With unanimous consent, on motion of Senator Odom, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

S.B. 815, a bill to amend the law relating to voting precincts.

The bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives.

S.B. 914, a bill to provide for the sharing of sick leave between public school employees and State employees subject to the State Personnel Act.

Senator Dannelly offers Amendment No. 1.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Amendment No. 1 is adopted (46–0).

The bill, as amended, passes its second (46–1) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 333 (Committee Substitute), a bill to provide that a register of deeds who completes service after ten years of eligible service as register of deeds but does not commence retirement from the Local Governmental Employees' Retirement System may receive a monthly pension from the Register of Deeds' Supplemental Pension Fund upon retirement under the Local Governmental Employees' Retirement System, changing the title, upon concurrence, to read **H.B. 333** (Senate Committee Substitute), a bill to provide that a register of deeds who completes service after ten years of eligible service as register of deeds but does not commence retirement from the Local Governmental Employees' Retirement System may receive a monthly pension from the Register of Deeds' Supplemental Pension Fund upon retirement under the Local Governmental Employees' Retirement System, and to conform the earnings limitations of locally sponsored plans to those of the Local Governmental Employees' Retirement System.

The Senate Committee Substitute bill passes its second (44–2) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 366 (Committee Substitute), a bill to direct the Utilities Commission to issue certificates of convenience and necessity for natural gas service for all areas of the State for which certificates have not been issued.

The Committee Substitute bill passes its second (46–0) and third readings and is ordered enrolled.

H.B. 424 (Committee Substitute), a bill to make technical changes regarding the inspection of elevators and related devices, and regarding the collection of fees therefor.

The Committee Substitute bill passes its second (45–0) and third readings and is ordered enrolled.

H.B. 736 (Committee Substitute), a bill to conform the North Carolina Financial Privacy Act to the federal Right to Financial Privacy Act.

The Committee Substitute bill passes its second (46–1) and third readings and is ordered enrolled.

H.B. 787 (Committee Substitute), a bill to provide for direct payment of licensed pharmacists under health insurance policies and plans.

The Committee Substitute bill passes its second (44–0) and third readings and is ordered enrolled.

H.B. 821 (Committee Substitute), a bill to include encouragement of breast feeding in services provided by the State maternal and child health program.

Pursuant to Rule 42.1, Senator Perdue, Co–Chairman of the **Appropriations Committee**, requests a fiscal note on the Committee Substitute bill.

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

H.B. 849 (Committee Substitute), a bill to permit the issuance of ABC permits at sports clubs in certain counties.

The Committee Substitute bill passes its second (36–7) and third readings and is ordered enrolled.

COMMITTEE REFERRAL RECALL

S.B. 646 (Committee Substitute), a bill to establish a Workers' Compensation Fund for volunteer fire, rescue, and EMS workers, to increase the monthly pension benefits and the monthly pension contributions for these workers, to increase contributions to the Volunteer Fire Department Fund, to reimburse volunteer fire departments and volunteer rescue squads for highway use tax paid on their fire trucks and rescue vehicles, and to generate revenue for these purposes, referred to the **Appropriations Committee** on June 7.

Pursuant to Rule 47(b), Senator Perdue offers a motion the Committee Substitute bill be taken from the **Appropriations Committee** and recommitted to the **Pensions and Retirement/Insurance/State Personnel Committee**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Appropriations Committee** and recommits the measure to the **Pensions and Retirement/ Insurance/State Personnel Committee**.

CALENDAR (Continued)

H.B. 851 (Committee Substitute), a bill to make changes with regard to forfeiture of surety bonds, changing the title, upon concurrence, to read **H.B. 851** (Senate Committee Substitute), a bill to change some procedures with regard to surety bonds.

The Senate Committee Substitute bill passes its second (42–2) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

H.B. 357, a bill to repeal provisions of the General Statutes authorizing the Department of Correction to inspect mines in which convicts are employed and requiring the Department to establish a revolving fund for loans to prisoners, with a favorable report.

H.B. 566 (Committee Substitute), a bill to amend the laws relating to the powers of fiduciaries, with a favorable report.

S.B. 955, a bill prohibiting the unauthorized use of wireless telecommunications services and establishing civil and criminal penalties for acts relating to such use, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the bill, as amended, engrossed and re–referred to **Appropriations Committee.**

H.B. 328 (Committee Substitute), a bill to increase the penalties for failure to give way to an overtaking vehicle, with a favorable report, as amended.

H.B. 458 (Committee Substitute), a bill to impose conditions for the restoration or continued enjoyment of a driving privilege after a conviction for driving while impaired or driving while a provisional licensee after consuming drugs or alcohol, and to promote compliance with these conditions, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendments No. 1 and No. 2 are adopted.

The Chair orders the Committee Substitute bill, as amended, re–referred to the **Finance Committee.**

H.B. 907, a bill to authorize the State and its political subdivisions to be subject to statutes of limitation and repose for certain civil actions and to provide a ten–year statute of limitation for those same actions brought by the State or a political subdivision of the State when the function at issue is governmental, with a favorable report, as amended.

CALENDAR (Continued)

S.B. 1049 (Committee Substitute), a bill to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and to limit credits for investments in certain investment businesses, on today's Calendar, upon third reading.

With unanimous consent, on motion of Senator Sherron, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the Committee Substitute bill is postponed until Wednesday, June 14.

S.B. 839 (Committee Substitute), a bill to provide for graduated drivers licenses for provisional licensees as recommended by the North Carolina Child Fatality Task Force, upon third reading.

Senator Martin of Pitt offers Amendment No. 1 which is adopted (44–0), changing the title to read **S.B. 839** (Committee Substitute), a bill to provide for graduated drivers licenses for provisional licensees as recommended by the North Carolina Child Fatality Task Force and to allow a person whose sixteenth birthday

falls on a weekend or a holiday to apply for a drivers license on the last business day before the person's birthday.

The Committee Substitute bill, as amended, passes its third reading (43–1) and is ordered engrossed and sent to the House of Representatives.

H.B. 434 (Committee Substitute), a bill to limit, to modify, and enhance the attempting to elude arrest statutes, as amended, upon third reading.

Senator Albertson offers Amendment No. 2 which is adopted (44–0), changing the title, upon concurrence, to read **H.B. 434** (Committee Substitute), a bill to limit, to modify, and enhance the attempting to elude arrest statutes and to make it a felony offense to impersonate a law enforcement officer by unlawfully operating a motor vehicle with an operating blue or red light.

Upon the appearance of Senator Hobbs in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Senator Winner offers Amendment No. 3 which is adopted (36–11).

Senator Rand offers Amendment No. 4 which is adopted (44–3).

Senator Basnight offers a motion to adjourn subject to reading a special message from the House of Representatives, seconded by Senator McDaniel.

The Chair orders the Clerk to read the special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 459

House of Representatives
June 8, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Amendment # 1 to House Bill 459 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CANCELLATION OF A NOTE OR OTHER INDEBTEDNESS SECURED BY A DEED OF TRUST OR MORTGAGE BY EXECUTION OF A CERTIFICATE OF SATISFACTION, the Speaker has appointed as conferees on the part of the House, Representative Sutton, Representative Lemmond, and Representative Kiser to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

With bills remaining on the Calendar, the motion of Senator Basnight prevails and the Senate adjourns at 3:20 P.M. to meet Monday, June 12, at 4:00 P.M.

SEVENTY-NINTH DAY

SENATE CHAMBER,
Monday, June 12, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, the attitude with which we begin a new week impacts for good or bad all that ensues. So give us eyes to see, hearts with which to feel, and hands to help. Save us from the temptation to pass by on the other side when we are confronted with the needs of others.

"Recollect in our minds how we sometimes were needy, sometimes hurting, or without much hope, and You reached out to us.

"Although we may disagree on how to do so, always give us the attitude and inclination to help others as You so extravagantly have helped us. In Your Holy Name we pray, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Sawyer, due to hospitalization and recovery, and to Senator Edwards.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, June 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 241, an act to authorize the Department of Transportation to sell souvenirs on ferries and at ferry facilities. (Ch. 211)

S.B. 427, an act to provide staggered terms for the Momeyer Town Council. (Ch. 212)

S.B. 477, an act to enact the North Carolina Foreign-Money Claims Act, which Act establishes a standard for converting currency for monetary damages resulting from a foreign judicial proceeding or arbitration. (Ch. 213)

S.B. 560 (Committee Substitute), an act to authorize a county director of social services to delegate the function of issuing youth employment certificates. (Ch. 214)

S.B. 717, an act to require the Moore County Board of Commissioners to redistrict their residency districts. (Ch. 215)

H.B. 366 (Committee Substitute), an act to direct the Utilities Commission to issue certificates of convenience and necessity for natural gas service for all areas of the State for which certificates have not been issued. (Ch. 216)

H.B. 424 (Committee Substitute), an act to make technical changes regarding the inspection of elevators and related devices, and regarding the collection of fees therefor. (Ch. 217)

H.B. 526 (Committee Substitute), an act to increase the informal bid limits relating to the letting of purchase contracts by the City of Greensboro. (Ch. 218)

H.B. 618 (Committee Substitute), an act to increase the threshold at which Mecklenburg County and the municipalities within the County may use force account qualified labor. (Ch. 219)

H.B. 647, an act to allow recall of the Mayor and Board of Commissioners of the Town of Aberdeen. (Ch. 220)

H.B. 696, an act to designate the Chief of Medical Staff of Johnston Memorial Hospital as an *ex officio* trustee of the County Hospital Authority. (Ch. 221)

H.B. 736 (Committee Substitute), an act to conform the North Carolina Financial Privacy Act to the federal Right to Financial Privacy Act. (Ch. 222)

H.B. 787 (Committee Substitute), an act to provide for direct payment of licensed pharmacists under health insurance policies and plans. (Ch. 223)

H.B. 849 (Committee Substitute), an act to permit the issuance of ABC permits at sports clubs in certain counties. (Ch. 224)

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 969, a bill concerning the Atlantic States Marine Fisheries Compact, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Committee Substitute bill 2640, which changes the title to read **S.B. 969** (Committee Substitute), a bill to direct the Joint Legislative Commission on Seafood and Aquaculture to study the effect of withdrawal from the Atlantic States Marine Fisheries Compact, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the Committee Substitute bill is adopted and on his further motion is re-referred to the **Appropriations Committee**.

H.B. 337, a bill to provide for controlled access community fishing licenses in Transylvania County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Senate Committee Substitute bill 6173 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Albertson, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 13, for further consideration.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 6 (House Committee Substitute), a bill to amend the Constitution of North Carolina to establish rights for victims of crime, for concurrence in the House Committee Substitute bill, which with unanimous consent is ordered temporarily displaced.

S.B. 127 (House Committee Substitute), a bill to impose criminal penalties for the abuse, neglect, or exploitation of disabled or elder adults living in a domestic setting, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, June 13.

S.B. 240, a bill to authorize the Department of Transportation to perform dredging services for units of local government, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, June 13.

S.B. 737 (Committee Substitute), a bill to require that counties pay their local share of public assistance program benefits by electronic funds transfer, for concurrence in House Amendment No. 1, which with unanimous consent, is ordered temporarily displaced.

S.B. 775 (Committee Substitute), a bill to define clients eligible for "Willie M." services, to authorize the adoption of rules to determine eligibility, to ensure the provision of services, and to provide for contested case hearing provision, for concurrence in the House Committee Substitute bill, which changes the title by deleting the quotation marks, upon concurrence, to read **S.B. 775** (House Committee Substitute), a bill to define clients eligible for Willie M. services, to authorize the adoption of rules to determine eligibility, to ensure the provision of services, and to provide for contested case hearing provision, which is placed on the Calendar for tomorrow, Tuesday, June 13.

S.B. 818, a bill to establish a Birth Defects Monitoring Program in the Department of Environment, Health, and Natural Resources, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, June 13.

S.B. 1003 (House Committee Substitute), a bill to exempt individual retirement accounts, individual retirement annuities, and simplified employees pension/individual retirement accounts from the claims of creditors, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, June 13.

H.B. 825 (Committee Substitute), a bill to amend various statutes relating to the practice of funeral service, cremations, and funeral and burial trust funds.

Referred to **Commerce Committee** and upon a favorable report, re–referred to the **Finance Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 127, a bill to limit the liability of landowners to members of the public entering the land for educational and recreational purposes, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 1274 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 13, for further consideration.

H.B. 730 (Committee Substitute), a bill to prevent frivolous medical malpractice actions by requiring that expert witnesses in medical malpractice cases have appropriate qualifications to testify on the standard of care at issue and to require expert witness review as a condition of filing a medical malpractice action, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 8200 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 13, for further consideration.

H.B. 12 (Committee Substitute), a bill to amend the Constitution of North Carolina to limit members of the legislature to six consecutive terms in a house, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute 8199, which changes the title, upon concurrence, to read **H.B. 12** (Senate Committee Substitute), a bill to amend the Constitution of North Carolina to provide for term limits for members of the General Assembly, to provide incentives for candidates for the General Assembly to limit their campaign expenditures, and to establish North Carolinians for Positive Campaigns and make related changes, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Tuesday, June 13, for further consideration.

CALENDAR

Bills on the Calendar carried forward as unfinished business from Thursday, June 8, are taken up and disposed of, as follows:

H.B. 434 (Committee Substitute), a bill to limit, to modify, and enhance the attempting to elude arrest statutes, changing the title, upon concurrence, to read

H.B. 434 (Committee Substitute), a bill to limit, to modify, and enhance the attempting to elude arrest statutes and to make it a felony offense to impersonate a law enforcement officer by unlawfully operating a motor vehicle with an operating blue or red light, as amended, upon third reading.

Senator McDaniel offers Amendment No. 5.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Senator Gulley offers a motion to re-refer the Committee Substitute bill, as amended, to the **Judiciary I/ Constitution Committee**, with Amendment No. 5 pending, which motion he subsequently withdraws with unanimous consent.

Following debate, Amendment No. 5 is adopted (38–9).

Senator McDaniel offers Amendment No. 6.

Senator Winner offers a motion to temporarily displace the Committee Substitute bill, as amended, with Amendment No. 6 pending.

Senator Ballance offers a motion the Committee Substitute bill, as amended, with Amendment No. 6 pending, do lie upon the table, seconded by Senator Soles. The motion to table fails to prevail (18–29) and the question reverts to the motion to temporarily displace the Committee Substitute bill, as amended, with Amendment No. 6 pending.

The Chair orders, without objection, the Committee Substitute bill, as amended, temporarily displaced, with Amendment No. 6 pending.

H.B. 912 (Committee Substitute), a bill to amend Article 11 of Chapter 130A of the General Statutes regarding wastewater systems, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

H.B. 65 (Committee Substitute), a bill to require the display of the United States flag in every public school classroom, to encourage the display of the North Carolina flag in every public school classroom, to require students in the public schools to recite the pledge of allegiance every day, to encourage the display of the United States and North Carolina flags and the recitation of the pledge of allegiance in private schools and home schools, and to encourage donations of flags to be displayed in every public school classroom, changing the title, upon concurrence, to read **H.B. 65** (Senate Committee Substitute), a bill to encourage the display of the United States and North Carolina flags in public school classrooms, to encourage the recital of the Pledge of Allegiance in the public schools, to direct the State Board of Education to develop model guidelines for implementing this act, and to encourage donations of flags to be displayed in public school classrooms, on today's Calendar.

With unanimous consent, on motion of Senator Plexico, the Senate Committee Substitute bill is taken up out of its regular order of business and on his further motion, consideration of the Senate Committee Substitute bill is postponed until Monday, June 19.

H.B. 834 (Committee Substitute), a bill (1) to provide for parental review of and to place certain restrictions on any instruction on sexually transmitted diseases or out–of–wedlock pregnancy given as part of a comprehensive school health program; (2) to make changes to the appointments to the State School Health Advisory Committee; (3) to require public schools to offer an abstinence until marriage program; and (4) to authorize local school boards to offer comprehensive sex education when certain requirements concerning review and local approval are satisfied, changing the title, upon concurrence, to read **H.B. 834** (Senate Committee Substitute), a bill (1) to require public schools to offer an abstinence until marriage program; (2) to authorize local school boards to offer comprehensive sex education when certain requirements concerning review and local approval are satisfied; and (3) to provide for parental review and approval of, and to place certain restrictions on, any instruction on sexually transmitted diseases, out–of–wedlock pregnancy, abstinence until marriage, and comprehensive sex education, whether developed by the State or a local board of education, on today's Calendar.

On motion of Senator Odom, the Senate Committee Substitute bill is taken up out of its regular order of business. Senator Odom offers a further motion to re–refer the Senate Committee Substitute bill to the **Appropriations Committee**, which motion prevails (24–23).

The Chair orders the measure referred to the **Appropriations Committee.**

S.B. 679, a bill to validate certain actions of water and sewer districts, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 679** (House Committee Substitute), a bill to validate certain actions of water and sewer districts and to provide for payment of relocation costs of water and sewer lines belonging to certain municipalities, on today's Calendar.

With unanimous consent, on motion of Senator Soles, the House Committee Substitute bill is taken up out of its regular order of business, and consideration of the House Committee Substitute bill is postponed until Wednesday, June 14.

COMMITTEE REFERRAL RECALL

S.B. 971 (Committee Substitute), a bill to amend the Constitution of North Carolina to provide for gubernatorial appointment of Justices of the Supreme Court and Judges of the Court of Appeals and retention by vote of the people, as amended, referred to the **Appropriations Committee** on May 11.

Pursuant to Rule 47(b), Senator Odom offers a motion the Committee Substitute bill, as amended, be taken from the **Appropriations Committee** and re–referred to the **Select Review Committee** on **S.B. 971**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill, as amended, recalled from the **Appropriations Committee** and refers the measure to the **Select Review Committee** on **S.B. 971.**

S.J.R. 1095, a joint resolution recognizing the one hundredth year of women serving in State legislatures and the many contributions women serving or formerly serving, in various capacities in the General Assembly of the State of North Carolina have made to our legislative process, and honoring North Carolina's

women legislators who are now deceased, referred to the **Rules and Operation of the Senate Committee** on May 8.

Pursuant to Rule 47(b), Senator Rand offers a motion the joint resolution be taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for Wednesday, June 14, which motions prevail with unanimous consent.

The Chair orders the joint resolution recalled from the **Rules and Operation of the Senate Committee** and places it on the Calendar for Wednesday, June 14, for consideration upon its passage.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

S.B. 6 (House Committee Substitute), a bill to amend the Constitution of North Carolina to establish rights for victims of crime, received for concurrence in the House Committee Substitute bill, temporarily displaced earlier.

With unanimous consent, on motion of Senator Soles, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill.

Senator Soles offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

S.B. 737 (Committee Substitute), a bill to require that counties pay their local share of public assistance program benefits by electronic funds transfer, received for concurrence in House Amendment No. 1, temporarily displaced earlier.

With unanimous consent, on motion of Senator Soles, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate fails to concur in House Amendment No. 1.

Senator Soles offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

CALENDAR (Unfinished Business Continued)

H.B. 434 (Committee Substitute), a bill to limit, to modify, and enhance the attempting to elude arrest statutes, changing the title, upon concurrence, to read **H.B. 434** (Committee Substitute), a bill to limit, to modify, and enhance the attempting to elude arrest statutes and to make it a felony offense to impersonate a law enforcement officer by unlawfully operating a motor vehicle with an operating blue or red light, as amended, upon third reading, with Amendment No. 6 pending, temporarily displaced earlier.

Senator Winner offers a substitute Amendment, No. 7, which is adopted (43–3).

Senator Ballance offers a motion the Committee Substitute bill, as amended, be recommitted to the **Judiciary II/Election Laws Committee**, which motion prevails (27–21). The Chair orders the measure recommitted to the **Judiciary II/Election Laws Committee.**

S.B. 85 (House Committee Substitute), a bill to authorize honorary trusts, trusts for pets, and trusts for cemetery lots, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46–1) and the measure is ordered enrolled.

S.B. 344 (Committee Substitute), a bill to establish the requirements for certification to teach notary courses, to allow revocation of notarial commissions for notaries who fail to administer oaths or affirmations, to provide that applicants for recommissioning need not obtain the recommendation of a publicly elected official, and to allow the Secretary of State law enforcement agents to enforce the notary Chapter, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 344** (House Committee Substitute), a bill to establish the requirements for certification to teach notary courses, to allow revocation of notarial commissions for notaries who fail to administer oaths or affirmations, and to provide that applicants for recommissioning need not obtain the recommendation of a publicly elected official, and to allow the Secretary of State law enforcement agents to enforce the notary Chapter.

The Senate concurs in the House Committee Substitute bill (47–0) and the measure is ordered enrolled.

S.B. 348, a bill to permit the State to use the Setoff Debt Collection Act to recoup funds owed by teachers who do not fulfill their obligations under the National Board for Professional Teaching Standards Program, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (46–0) and the bill is ordered enrolled.

S.B. 449, a bill relating to practice restrictions imposed on health care workers who are infected with HIV or Hepatitis B, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (47–0) and the bill is ordered enrolled.

S.B. 755, a bill to change the designated legislative membership of the Committee on Employee Hospital and Medical Benefits, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence to read **S.B. 755** (House Committee Substitute), a bill to change the designated legislative membership of the Committee on Employee Hospital and Medical Benefits and their terms.

The Senate concurs in the House Committee Substitute bill (46–0) and the measure is ordered enrolled.

Bills on the Calendar for today, June 12, are taken up and disposed of, as follows:

SPECIAL ORDER

H.B. 222 (Senate Committee Substitute)

The hour having arrived for the consideration of the special order of business, the President of the Senate lays before the Senate the Special Order, it being

H.B. 222, a bill to make a technical correction to G.S. 120–70.2 regarding filling of vacancies on the Joint Legislative Utility Review Committee as recommended by the Joint Legislative Utility Review Committee, changing the title, upon concurrence, to read **H.B. 222** (Senate Committee Substitute), a bill to make a technical correction to G.S. 120–70.2 regarding filling of vacancies on the Joint Legislative Utility Review Committee as recommended by the Joint Legislative Utility Review Committee and providing for the confirmation of the appointment of Jo Anne Sanford to membership on the North Carolina Utilities Commission and of the appointment of Robert P. Gruber as Executive Director of the Public Staff of the North Carolina Utilities Commission.

Senator Simpson rises to a point of order as to a division of the questions in the Senate Committee Substitute bill pursuant to Rule 28. The Chair rules Rule 28 not applicable to a bill or joint resolution except in the form of an amendment.

The Senate Committee Substitute bill passes its second (43–5) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

On motion of Senator Parnell, the Chair orders the measure sent to the House of Representatives, without objection, by special messenger.

H.B. 558, a bill to permit the Town of Catawba to annex areas lying within the corporate boundaries of that Town, upon third reading.

The bill passes its third reading by roll–call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: Senator Clark—1.

The bill is ordered enrolled.

H.B. 596 (Committee Substitute), a bill to describe the corporate limits of the City of New Bern, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Perdue, Plexico, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 689 (Committee Substitute), a bill to provide for special registration plates for supporters of the Olympic Games, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper,

Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Perdue, Plexico, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 807, a bill authorizing counties to participate in local vocational training and employment opportunity initiatives through the creation of regional vocational services authorities, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Rand, Shaw, Sherron, Smith, Soles, Speed, Warren, and Winner—44.

Voting in the negative: Senators Simpson and Webster—2.

The bill is ordered sent to the House of Representatives.

S.B. 1055, a bill to modify the excise tax on newsprint, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes, 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 108 (Committee Substitute), a bill to provide specialized registration plates for retired clerks of Superior Court, changing the title, upon concurrence, to read **H.B. 108** (Committee Substitute), a bill to provide specialized registration plates for retired clerks of Superior Court and for supporters of professional sports teams and to limit American Legion specialized registration plates to members of the American Legion, as amended, upon third reading.

Senator Albertson offers Amendment No. 3 to amend the Committee Substitute bill as amended by Amendment No. 2, which is adopted (48–0).

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: Senator Horton—1.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Amendments No. 1, No. 2, and No. 3.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 459, a bill to provide for the cancellation of a note or other indebtedness secured by a deed of trust or mortgage by execution of a certificate of satisfaction, with a message from the House of Representatives requesting conferees.

Pursuant to the message from the House of Representatives received June 8, requesting conferees, Senator Gulley offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

CALENDAR (Continued)

H.B. 239 (Committee Substitute), a bill to allow Currituck and Union Counties to acquire property for use by the County Board of Education, upon second reading.

With unanimous consent, on motion of Senator Kerr, consideration of the Committee Substitute bill is postponed until Monday, June 19.

S.B. 1012 (Committee Substitute), a bill to improve the regulation of petroleum underground storage tanks and the cleanup of leaking petroleum underground storage tanks.

Senator Kerr offers Amendment No. 1 which is adopted (48–0).

The Committee Substitute bill, as amended, passes its second (47–0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 328 (Committee Substitute), a bill to increase the penalties for failure to give way to an overtaking vehicle.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (46–2) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 340 (Senate Committee Substitute), a bill to provide that an individual who is unable to pass a controlled substance examination is ineligible for unemployment benefits under certain circumstances.

Without objection, Senator Forrester is excused from voting on the bill for the stated reason, "possible conflict of interest."

The Senate Committee Substitute bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

COMMITTEE REFERRAL RECALL

S.B. 531, a bill to enact local legislation for Burke County, referred to the **Local Government and Regional Affairs Committee** on March 30.

Pursuant to Rule 47(b), Senator Jordan offers a motion the bill be taken from the **Local Government and Regional Affairs Committee** and re-referred to the **Appropriations Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Local Government and Regional Affairs Committee** and refers the measure to the **Appropriations Committee**

WITHDRAWAL FROM CALENDAR

H.B. 12 (Committee Substitute), a bill to amend the Constitution of North Carolina to limit members of the legislature to six consecutive terms in a house, changing the title, upon concurrence, to read **H.B. 12** (Senate Committee Substitute), a bill to amend the Constitution of North Carolina to provide for term limits for members of the General Assembly, to provide incentives for candidates for the General Assembly to limit their campaign expenditures, and to establish North Carolinians for Positive Campaigns and make related changes, placed earlier today on the Calendar for Tuesday, June 13.

Senator Cooper offers a motion the Senate Committee Substitute bill be taken from the Calendar for Tuesday, June 13, and re-referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the Senate Committee Substitute bill taken from the Calendar for Tuesday, June 13, and re-refers the measure to the **Finance Committee**.

CALENDAR (Continued)

H.B. 357, a bill to repeal provisions of the General Statutes authorizing the Department of Correction to inspect mines in which convicts are employed and requiring the Department to establish a revolving fund for loans to prisoners.

The bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 515, a bill to clarify the definition of the term "relevant market area" in the motor vehicle dealers and manufacturers licensing law.

The bill passes its second (47-0) and third (48-0) readings and is ordered enrolled.

H.B. 566 (Committee Substitute), a bill to amend the laws relating to the powers of fiduciaries.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled.

H.B. 645 (Committee Substitute), a bill to provide that local governments may regulate the possession of open containers of alcoholic beverages on public property and the possession of alcoholic beverages on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, as amended, with Amendment No. 2 pending.

With unanimous consent, on motion of Senator Gulley, the Committee Substitute bill, as amended, is recommitted to the **Judiciary II/Election Laws Committee**, with Amendment No. 2 pending.

H.B. 739 (Senate Committee Substitute), a bill to simplify the transfer of credit between North Carolina institutions of higher education.

The Senate Committee Substitute bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 740, a bill to facilitate the transfer of academic credit from community college programs to four–year college programs.

On motion of Senator Winner, Committee Amendment No. 1 is adopted (44–0).

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The bill, as amended, passes its second (46–1) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 767 (Committee Substitute), a bill promoting the use of the Eddie Eagle Elementary Gun Safety Education Program in State's elementary schools, changing the title, upon concurrence, to read **H.B. 767** (Senate Committee Substitute), a bill encouraging the State Board of Education to make available information on gun safety programs for the State's elementary schools.

The Senate Committee Substitute bill passes its second (43–3) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

RECALL FROM THE HOUSE OF REPRESENTATIVES

S.B. 563 (Committee Substitute), a bill to annex certain described property into the corporate limits of the Town of Cornelius and to clarify the zoning jurisdiction of the Town of Huntersville, ordered sent to the House of Representatives on June 5.

Senator Odom offers a motion the Committee Substitute bill be recalled from the House of Representatives for further consideration, which motion prevails, with unanimous consent.

A message is ordered sent to the House of Representatives respectfully requesting the return of the Committee Substitute bill for further consideration by the Senate.

CALENDAR (Continued)

H.B. 907, a bill to authorize the State and its political subdivisions to be subject to statutes of limitation and repose for certain civil actions and to provide a ten–year statute of limitation for those same actions brought by the State or a political subdivision of the State when the function at issue is governmental.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 907**, a bill to authorize the State and its political subdivisions to be subject to statutes of limitation and repose for certain civil actions.

The bill, as amended, passes its second (47–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 81 (House Committee Substitute), a bill to enact the revised Article 3 of the Uniform Commercial Code and conforming and miscellaneous amendments to

Articles 1 and 4 of the Uniform Commercial Code, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill.

Following lengthy debate, Senator Hartsell calls the previous question, seconded by Senator Rand. The call is sustained (39–8).

The Senate concurs in the House Committee Substitute bill (24–21) and the measure is ordered enrolled.

S.B. 84 (House Committee Substitute), a bill to place time limits on options in gross and other interests in land, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (1–46).

Senator Hartsell offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

S.B. 501, a bill to require the parents of a dependent child who is the parent of a dependent child to contribute to the support of their grandchild, for concurrence in House Amendments No. 1 and No. 2.

The Senate fails to concur in House Amendments No. 1 and No. 2 (1–46).

Senator Rand offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

EXECUTIVE ORDER

An Executive Order received (*See Appendix*) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 79, Rescinding the Center for the Prevention of School Violence.

Referred to **Rules and Operation of the Senate Committee.**

PAGES

The President recognizes the following pages serving in the Senate this week:

Amanda Lea Bennett, Eden; Becky Virginia Broughton, Winterville; Joseph F. Cannon, Raleigh; Kathryn Louise Cornwell, Lattimore; Jessica Edison, Dallas; Aaron Anthony Freeman, Raleigh; Sarah V. H. Glassen, Charlotte; Joel T. Gupton, Supply; Justin Hanford, Raleigh; Rebecca Hunter, Marion; Elizabeth S. Kelly, Nags Head; Albert Tyler Nance, Rock Hill, South Carolina; Jennifer Lee Perciavalle, Nags Head; Kristy Laine Ratchford, Gastonia; Jennifer Nicole Rose, Dallas; Lydia Rowlands, Cary; Laura Helen Schlueter, Greensboro; Joshua Adam Sessoms, Hope Mills; Christopher Reid Simmons, Raleigh; Colin Davis Speed, Boone; Cheryl Jean Suggs, Grifton; Angela Faye Tatum, Turkey; Shannon Toler, Kill Devil Hills; Justin Matthew Townsend, Vilas; and James Aubrey Williams III, Raleigh.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 501, a bill to require the parents of a dependent child who is the parent of a dependent child to contribute to the support of their grandchild, with the motion of Senator Rand, prevailing earlier today that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Rand, Chairman, and Senators Gulley and Carrington, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 459, a bill to provide for the cancellation of a note or other indebtedness secured by a deed of trust or mortgage by execution of a certificate of satisfaction, with the motion of Senator Gulley, prevailing earlier today that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Gulley, Chairman, and Senators Ballance and Hartsell, as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 737 (Committee Substitute), a bill to require that counties pay their local share of public assistance program benefits by electronic funds transfer, with the motion of Senator Soles, prevailing earlier today that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Soles, Chairman, and Senators Conder and Kincaid, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 6 (House Committee Substitute), a bill to amend the Constitution of North Carolina to establish rights for victims of crime, with the motion of Senator Soles, prevailing earlier today that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Cooper, Chairman, and Senators Forrester and Warren, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator Sherron, the Senate adjourns at 7:04 P.M. in memory of Wallace Sherron, the brother of Senator Sherron, to meet tomorrow, Tuesday, June 13, at 3:00 P.M.

EIGHTIETH DAY

SENATE CHAMBER,
Tuesday, June 13, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, for the men and women of the Senate, each day's Calendar is filled with crucial issues. Many times deciding is difficult, for choices are most often between what's good or better. Sometimes between what's bad or worse, but seldom between what's absolutely right or wrong.

"In a gray world, we long for clearer lines of demarcation.

"Yet, O God, You have made us free. Help the Senators to use this blessing of choice wisely. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Sawyer, due to hospitalization and recovery.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, June 12, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Edward L. Treadwell of Greenville, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 85 (House Committee Substitute), an act to authorize honorary trusts, trusts for pets, and trusts for cemetery lots, as recommended by the General Statutes Commission. (Ch. 225)

S.B. 344 (House Committee Substitute), an act to establish the requirements for certification to teach notary courses, to allow revocation of notarial commissions for notaries who fail to administer oaths or affirmations, and to provide that applicants for recommissioning need not obtain the recommendation of a publicly elected official, and to allow the Secretary of State law enforcement agents to enforce the notary Chapter. (Ch. 226)

S.B. 348, an act to permit the State to use the Setoff Debt Collection Act to recoup funds owed by teachers who do not fulfill their obligations under the National Board for Professional Teaching Standards Program. (Ch. 227)

S.B. 449, an act relating to practice restrictions imposed on health care workers who are infected with HIV or Hepatitis B. (Ch. 228)

S.B. 755 (House Committee Substitute), an act to change the designated legislative membership of the Committee on Employee Hospital and Medical Benefits and their terms. (Ch. 229)

H.B. 558, an act to permit the Town of Catawba to annex areas lying within the corporate boundaries of that Town. (Ch. 230)

H.B. 596 (Committee Substitute), an act to describe the corporate limits of the City of New Bern. (Ch. 231)

S.B. 81 (House Committee Substitute), an act to enact the revised Article 3 of the Uniform Commercial Code and conforming and miscellaneous amendments to Articles 1 and 4 of the Uniform Commercial Code, as recommended by the General Statutes Commission. (Ch. 232)

H.B. 357, an act to repeal provisions of the General Statutes authorizing the Department of Correction to inspect mines in which convicts are employed and requiring the Department to establish a revolving fund for loans to prisoners. (Ch. 233)

H.B. 515, an act to clarify the definition of the term "relevant market area" in the motor vehicle dealers and manufacturers licensing law. (Ch. 234)

H.B. 566 (Committee Substitute), an act to amend the laws relating to the powers of fiduciaries. (Ch. 235)

S.B. 186, an act to extend the Sentencing Commission. (Ch. 236)

S.B. 408, an act to allow equity line of credit agreements to have terms greater than fifteen years and to establish a procedure for extending equity line of credit loan agreements. (Ch. 237)

S.B. 652 (Committee Substitute), an act to make changes to the General Statutes pertaining to small employer health care coverage. (Ch. 238)

S.B. 975, an act to authorize the deposit of tobacco assessment funds with the North Carolina Tobacco Foundation. (Ch. 239)

H.B. 272 (Committee Substitute), an act to allow partial distribution awards prior to final judgment in equitable distribution cases. (Ch. 240)

H.B. 766 (Senate Committee Substitute), an act to clarify and make uniform the laws regarding the sale and distribution of tobacco products to persons less than eighteen years old. (Ch. 241)

CALENDAR

H.B. 575 (Committee Substitute), a bill to remove the Town of Kernersville's local modifications to G.S. 58–84–35, formerly G.S. 118–7, on today's Calendar.

With unanimous consent, on motion of Senator Jordan, the Committee Substitute bill is taken up out of its regular order of business, and on his further

motion, consideration of the Committee Substitute bill is postponed until Monday, June 19.

H.B. 690, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue weapon permits in Ashe County, on today's Calendar.

With unanimous consent, on motion of Senator Jordan, the bill is taken up out of its regular order of business, and on his further motion, consideration of the bill is postponed until Monday, June 19.

H.B. 661, a bill to change the method of filling a vacancy on the Halifax County Board of Education, changing the title, upon concurrence, to read **H.B. 661** (Senate Committee Substitute), a bill to fill the vacancy on the Halifax County Board of Education, on today's Calendar.

With unanimous consent, on motion of Senator Ballance, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion the Senate Committee Substitute bill is recommitted to the **Local Government and Regional Affairs Committee**.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Commerce Committee:**

H.B. 341, a bill to establish requirements for individuals to report work search efforts in order to remain eligible for unemployment benefits, with a favorable report.

H.B. 792, a bill to direct the Utilities Commission to provide that each franchised natural gas distribution company shall expand service to all areas of its franchise territory within three years or lose its exclusive rights to the franchise territory, with a favorable report.

H.B. 798, a bill to repeal certain requirements pertaining to materials used in conjunction with food consumption, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the proposed Senate Committee Substitute bill 4178 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Parnell, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, June 14, for further consideration.

By Senator Lucas for the **Children and Human Resources Committee:**

Senator Lucas submits a report on **S.B. 35,** a bill to establish the 1995 North Carolina Welfare Reform Act, which she subsequently withdraws.

With unanimous consent, on motion of Senator Basnight, the Senate recesses at 3:30 P.M. to reconvene at 4:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 82 (House Committee Substitute), a bill to increase the amount of property collectible by small estate affidavit where the sole heir and/or devisee is the surviving spouse, to increase the minimum amount of intestate personal property passing to the surviving spouse, and to increase the amount of the year's allowance for a surviving spouse and children, as recommended by the General Statutes Commission, and to increase the limitation for funeral expenses, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, June 14.

S.B. 349 (House Committee Substitute), a bill to revise the membership of the Housing Coordination and Policy Council, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, June 14.

S.B. 399 (Committee Substitute), a bill to amend the definition of podiatry, for concurrence in House Amendment No. 2.

On motion of Senator Soles, the rules are suspended without objection, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate concurs in House Amendment No. 2 (43–0) and the Committee Substitute bill is ordered enrolled.

CALENDAR

H.B. 473, a bill to make procedural changes and technical corrections to the North Carolina Limited Liability Company Act, to allow retroactive indemnification of a manager or member of a limited liability company, and to extend the usury exemption to limited liability companies and partnerships, changing the title, upon concurrence, to read **H.B. 473** (Senate Committee Substitute), a bill to make procedural changes and technical corrections to the North Carolina Limited Liability Company Act, to allow retroactive indemnification of a manager or member of a limited liability company, to extend the usury exemption to limited liability companies and partnerships, and amend the Professional Corporation Act, on today's Calendar.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, is recommitted to the **Judiciary I/Constitution Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES (Continued)

S.B. 505 (House Committee Substitute), a bill to clarify the grounds for removal of a member of a local board of health, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, June 14.

S.B. 519 (Committee Substitute), a bill to encourage the purchase of commodities and services offered by blind and by severely disabled persons, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Wednesday, June 14.

S.B. 686, a bill to clarify the voting authority of members of the State Banking Commission, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Wednesday, June 14.

S.B. 967 (House Committee Substitute), a bill to establish a pilot program to permit community colleges to use inmate labor for capital construction projects, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, June 14.

H.B. 576 (Committee Substitute No. 3), a bill to incorporate the Town of Summerfield, subject to a referendum, received on June 7 and ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

The Chair orders the Committee Substitute bill No. 3 withdrawn from the Office of the Principal Clerk and referred to the **Finance Committee**.

H.B. 1058, a bill to make conforming changes to the tax law in light of federal law preempting State regulation of most motor freight carriers.

Referred to the **Finance Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 955 House of Representatives
(Senate Committee Substitute) June 12, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute to **HB 955**, A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITY BY AUTHORIZING THE CREATION AND FUNDING OF CHARTER SCHOOLS, WHICH ARE DEREGULATED SCHOOLS UNDER PUBLIC CONTROL.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 6 House of Representatives
(Senate Committee Substitute) June 12, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute to **HB 6**, A BILL

TO BE ENTITLED AN ACT TO GRANT ADDITIONAL MANAGEMENT FLEXIBILITY TO LOCAL BOARDS OF EDUCATION, TO ENSURE THAT LOCAL BOARDS OF EDUCATION ARE HELD ACCOUNTABLE FOR THE USE OF THAT FLEXIBILITY, TO ASSESS THE RELATIONSHIP BETWEEN EXPENDITURES FOR PUBLIC SCHOOLS AND STUDENT PERFORMANCE, AND TO MAKE CONFORMING STATUTORY CHANGES.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 6
(House Committee Substitute)

House of Representatives
June 12, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **SB 6**, A BILL TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH RIGHTS FOR VICTIMS OF CRIME, the Speaker has appointed as conferees on the part of the House,

Representative Grady, Chair;
Representative Warner, and
Representative Morgan

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 501

House of Representatives
June 12, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Amendments # 1 and 2 to **SB 501**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PARENTS OF A DEPENDENT CHILD WHO IS THE PARENT OF A DEPENDENT CHILD TO CONTRIBUTE TO THE SUPPORT OF THEIR GRANDCHILD, the Speaker has appointed as conferees on the part of the House,

Representative Richardson, Chair;
Representative Barnes,
Representative Howard, and
Representative Berry

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 737

House of Representatives
June 12, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Amendment # 1 to **SB 737**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT COUNTIES PAY THEIR LOCAL SHARE OF PUBLIC ASSISTANCE PROGRAM BENEFITS BY ELECTRONIC FUNDS TRANSFER, the Speaker has appointed as conferees on the part of the House,

Representative Howard, Chair;
Representative Berry, and
Representative Hightower

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lucas for the **Children and Human Resources Committee:**

S.B. 35, a bill to establish the 1995 North Carolina Welfare Reform Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lucas, the rules are suspended, and the proposed Committee Substitute bill 2650, which changes the title to read **S.B. 35** (Committee Substitute), a bill to establish the 1995 North Carolina Partnership for Independence Act, is placed before the Senate for immediate consideration.

On motion of Senator Lucas, the Committee Substitute bill is adopted, and on her further motion is re-referred to the **Appropriations Committee**.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee:**

S.B. 837, a bill to provide for the licensing of soil scientists, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the proposed Committee Substitute bill 9645 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

S.B. 917, a bill to appropriate funds for the Agriculture Cost Share Program for Nonpoint Source Pollution Control to be used for capital expenses associated with developing agriculture waste management measures, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Committee Substitute bill 4643, which changes the title to read **S.B. 917** (Committee Substitute), a bill to allow members of the Soil and Water Conservation Commission and supervisors of soil and water conservation districts to participate in the Agriculture Cost Share Program for Nonpoint Source Pollution Control and to appropriate funds for the Agriculture Cost Share Program for Nonpoint Source Pollution Control to be used for capital expenses associated with developing agriculture waste management measures, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the Committee Substitute bill is adopted, and on his further motion is recommitted to the **Appropriations Committee.**

H.B. 708 (Committee Substitute), a bill to amend the General Statutes to authorize the Department of Environment, Health, and Natural Resources to electronically monitor and record compliance data off-site from special purpose commercial hazardous waste facilities that use hazardous waste as a fuel, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Senate Committee Substitute bill 1276, which changes the title, upon concurrence, to read **H.B. 708** (Senate Committee Substitute), a bill to amend the General Statutes to authorize the Department of Environment, Health, and Natural Resources to electronically monitor and record compliance data off-site from special purpose commercial hazardous waste facilities that use hazardous waste as a fuel and to clarify the circumstances under which a private environmental consulting or engineering firm may be employed to implement and oversee a voluntary remedial action, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 14, for further consideration.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 337 (Senate Committee Substitute), a bill to provide for controlled access community fishing licenses in Transylvania County, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford,

McDaniel, McKoy, Parnell, Plexico, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—44.

Voting in the negative: Senator Page—1.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, June 14, for further consideration upon third reading.

H.B. 127 (Senate Committee Substitute), a bill to limit the liability of landowners to members of the public entering the land for educational and recreational purposes.

Senator Speed offers Amendment No. 1.

Following lengthy debate, Senator Kerr calls the previous question, seconded by Senator Rand. The call is sustained.

Amendment No. 1 is adopted (41–6).

The Senate Committee Substitute bill, as amended, passes its second (47–0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 270 (Committee Substitute), a bill to make changes in the laws pertaining to alimony.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

Senator Horton offers Amendment No. 2.

Following lengthy debate, Senator Rand calls the previous question, seconded by Senator Odom. The call is sustained.

Amendment No. 2 is adopted (26–21).

The Committee Substitute bill, as amended, passes its second reading (40–7).

Senator Page objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Wednesday, June 14, for further consideration upon third reading.

H.B. 730 (Senate Committee Substitute), a bill to prevent frivolous medical malpractice actions by requiring that expert witnesses in medical malpractice cases have appropriate qualifications to testify on the standard of care at issue and to require expert witness review as a condition of filing a medical malpractice action.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

The Senate Committee Substitute bill passes its second (42–3) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 127 (House Committee Substitute), a bill to impose criminal penalties for the abuse, neglect, or exploitation of disabled or elder adults living in a domestic setting, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46–0) and the measure is ordered enrolled.

S.B. 240, a bill to authorize the Department of Transportation to perform dredging services for units of local government, for concurrence in the House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (45–0) and the bill is ordered enrolled.

S.B. 775 (Committee Substitute), a bill to define clients eligible for "Willie M." services, to authorize the adoption of rules to determine eligibility, to ensure the provision of services, and to provide for contested case hearing provision, which changes the title, upon concurrence, to read **S.B. 775** (House Committee Substitute), a bill to define clients eligible for Willie M. services, to authorize the adoption of rules to determine eligibility, to ensure the provision of services, and to provide for contested case hearing provision, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (47–0) and the measure is ordered enrolled.

CONFERENCE REPORT

H.B. 459

Senator Gulley for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 459**, a bill to provide for the cancellation of a note or other indebtedness secured by a deed of trust or mortgage by execution of a certificate of satisfaction, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 459, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CANCELLATION OF A NOTE OR OTHER INDEBTEDNESS SECURED BY A DEED OF TRUST OR MORTGAGE BY EXECUTION OF A CERTIFICATE OF SATISFACTION, submit the following report:

The House concurs in Senate Amendment #1 and the House and Senate agree to the following amendments:

on page 2, line 32, delete the word "either"; and

on page 2, line 33, insert the word "either" after the word "and".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 13, 1995.

S/Wib Gulley	S/Ronnie Sutton
S/Frank W. Ballance, Jr.	S/J. Shawn Lemmond
S/Fletcher L. Hartsell, Jr.	S/Joe Kiser
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Gulley, the Conference Report is adopted (45–1), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

H.B. 265 (Committee Substitute), a bill to allow service of process by a private process server when a proper officer returns service of process unexecuted, with a favorable report.

H.B. 846, a bill to provide that State legislative and congressional redistricting plans may not divide precincts unless a plan has been rejected under Section 5 of the Voting Rights Act of 1965, and if so rejected, only the minimum number of precincts are divided in a subsequent plan as are required to obtain approval, with a favorable report.

S.B. 683, a bill to provide for the election of superior court judges by judicial district, and to increase the number of district court districts, so as to increase compliance with Sections 2 and 5 of the Voting Rights Act of 1965 and to enable settlement of litigation, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendments No. 1 and No. 2 are adopted (42–0).

The Chair orders the bill, as amended, engrossed and re–referred to the **Appropriations Committee.**

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

H.B. 761 (Committee Substitute), a bill to provide for the licensure of foreign legal consultants and to authorize foreign legal consultants to engage in a limited practice of law in North Carolina, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Committee Substitute bill, as amended, is re–referred to the **Finance Committee.**

S.B. 784, a bill to implement certain health care reform recommendations of the North Carolina Health Planning Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 1741 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

S.B. 982, a bill to establish the Campaign Reform and Election Laws Review Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the proposed Committee Substitute bill 3666 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 645 (Committee Substitute), a bill to provide that local governments may regulate the possession of open containers of alcoholic beverages on public property and the possession of alcoholic beverages on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, with an unfavorable report as to Committee Substitute bill as amended upon recommendation of the **Judiciary II/ Election Laws Committee**, but favorable as to Senate Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Senate Committee Substitute bill 9158, which changes the title, upon concurrence to read **H.B. 645** (Senate Committee Substitute), a bill to make Statewide a local act providing that local governments may regulate the possession of open containers of malt beverages and unfortified wine on public property and the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, and further defining public property and open container, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Senate Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Wednesday, June 14, for further consideration.

A bill is reported from a select committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Odom for the **Select Committee on S.B. 971—Appellate Judges:**

S.B. 971 (Committee Substitute), a bill to amend the Constitution of North Carolina to provide for gubernatorial appointment of Justices of the Supreme Court and Judges of the Court of Appeals and retention by vote of the people, with an unfavorable report as to Committee Substitute bill No. 1 as written by **Judiciary I/ Constitution Committee**, as amended, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Odom, the rules are suspended, and the proposed Committee Substitute bill No. 2, 1742, which changes the title to read **S.B. 971** (Committee Substitute No. 2), a bill to amend the Constitution of North Carolina to provide for gubernatorial nomination of Justices of the Supreme Court and Judges of the Court of Appeals, legislative confirmation, and retention by vote of the people, and to provide for election of Superior Court Judges within their districts, is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Committee Substitute bill No. 2 is adopted, and on his further motion is recommitted to the **Appropriations Committee.**

CALENDAR (Continued)

S.B. 818, a bill to establish a Birth Defects Monitoring Program in the Department of Environment, Health, and Natural Resources, for concurrence in House Amendment No. 1.

With unanimous consent, on motion of Senator Speed, consideration of the bill is postponed until Wednesday, June 14.

S.B. 1003 (House Committee Substitute), a bill to exempt individual retirement accounts, individual retirement annuities, and simplified employees pension/individual retirement accounts from the claims of creditors, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45–0) and the measure is ordered enrolled.

On motion of Senator Basnight, seconded by Senator Ledbetter, the Senate adjourns at 6:04 P.M. to meet tomorrow, Wednesday, June 14, at 3:00 P.M. in the Senate Chamber of the State Capitol.

EIGHTY-FIRST DAY

SENATE CHAMBER,
State Capitol
Wednesday, June 14, 1995.

The Senate meets pursuant to adjournment in the Senate Chamber of the State Capitol. The gavel falls and the Senate is called to order by the President of the Senate, the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, in this historic building and on Flag Day, we are predisposed to think of loyalty, allegiance, the heroes of our State, our nation, our faith.

"Forgive us, that having received Your Blessing of Prosperity, we have allowed self-indulgence to divide our loyalty or cause us to redefine allegiance.

"Instead, renew in us today the strong sense of hope that caught the imaginations of our ancestors that we might live as brothers and sisters, one nation under Your Sovereign Leadership, O God.

"And let our loyalties be godly affirmation of the kinds of persons we have chosen to become. Amen."

Lieutenant Governor Wicker:

"If you would remain standing while we prepare to give pledge of allegiance to the flag. Before we do, let me remind all of you that as we make the pledge to our flag, that the wording of this pledge actually varies slightly from the original which was drawn up in 1892 in the office of the Youth Companion magazine in Boston. It was first used in the public schools in celebration of Columbus Day, of course October 12, 1892. The pledge received official recognition by Congress in an act approved on June 22, 1942. The phrase 'under God' was added to the pledge by a Congressional Act on this day, June 14, 1954. At that time President Eisenhour said that, and I am quoting him, 'In this way we are reaffirming the transits of the religious faith in America's heritage and future. In this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace or war.' At this time let us pledge to our flag of the United States of America."

Led by the President, the Senators and all of those present remain standing and pledge allegiance to the United States of America, reciting:

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

"The Chair would like to take just a moment to welcome all of you who are here today for this ceremony, particularly in the galleries. It is quite different from what we are used to and I would say that this certainly brings back a lot of memories for all of us. We have several former members who served in this Body here today, and family members, and of course the Chair remembers coming up here when my father served in the House and they were still here in this Capitol. And I want to welcome you and thank you for being here as we celebrate Flag Day in honor of our flag of this great country."

With unanimous consent, the President grants a leave of absence for today to Senator Sawyer due to hospitalization and recovery.

"Now, at this time the Chair would recognize the President *Pro Tem* of the Senate, Senator Basnight of Dare County, for a motion."

Senator Basnight:

"Thank you Mr. President, members of the distinguished Body, Senators. Last night I had the distinct pleasure of having dinner with one of our special members and I would like to share that experience with you just briefly. All of us joined in dinner last night were special, of course, but one served in this Chamber, and as I understand others as well. Senator Simpson served in the House, the old Chamber just across the aisle; Senator Soles, as well, served—no? I understand Senator Speed did, I am in error, but it was Senator Speed that I had dinner with last night. And to reminisce a bit with the Senator was quite a joy to all of us. I believe it is people like him that help make this State great, and Senator Simpson as well.

"For those of you who served in these Chambers and those across the aisle, we salute you for those contributions. But in dinner last night we had a chance to go back in time to certain moments, and I hope that we can record some of that history, not just what we see and are part of today, but of those special members that are part of our families." (*See Appendix*)

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, June 13, has been examined and is found to be correct. Senator Basnight offers a motion the Senate dispense with the reading of the Journal and it stand approved as written. The motion prevails with a resounding voice vote.

Lieutenant Governor Wicker:

"I'm happy to say that I can certainly hear you much better in here than I can down there [Legislative Building]."

"The Chair is about to ratify the following bills. The Clerk will read."

ENROLLED BILLS

Reading Clerk:

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 612 (Committee Substitute), an act to require the Building Code Council to adopt alternative safety systems for buildings built prior to 1953. (Ch. 242)

S.B. 813, an act to change the name of the chief of the county election staff from "supervisor of elections" to "director of elections". (Ch. 243)

H.B. 269 (Senate Committee Substitute), an act to authorize district court judges to sanction parties to equitable distribution proceedings for purposeful, prejudicial delay of the proceedings. (Ch. 244)

H.B. 273 (Senate Committee Substitute), an act to allow claims for equitable distribution to be resolved either before or after an absolute divorce is granted and to clarify the law concerning the interest in marital property of a subsequent spouse prior to equitable distribution of marital property of former marriage. (Ch. 245)

S.B. 127 (House Committee Substitute), an act to impose criminal penalties for the abuse, neglect, or exploitation of disabled or elder adults living in a domestic setting. (Ch. 246)

S.B. 240, an act to authorize the Department of Transportation to perform dredging services for units of local government. (Ch. 247)

S.B. 399 (Committee Substitute), an act to amend the definition of podiatry. (Ch. 248)

S.B. 775 (House Committee Substitute), an act to define clients eligible for Willie M. services, to authorize the adoption of rules to determine eligibility, to ensure the provision of services, and to provide for contested case hearing provision. (Ch. 249)

S.B. 1003 (House Committee Substitute), an act to exempt individual retirement accounts, individual retirement annuities, and simplified employees pension/individual retirement accounts from the claims of creditors. (Ch. 250)

CALENDAR

Lieutenant Governor Wicker:

"Let's go to Local Bills—Third Reading—Roll Call. **House Bill 337**—the Clerk will read.

Reading Clerk:

H.B. 337 (Senate Committee Substitute), a bill to provide for controlled access community fishing licenses in Transylvania County, upon third reading.

Lieutenant Governor Wicker:

"Further discussion or debate on this bill?"

Senator Albertson:

"Mr. President, Members of the Senate, having never spoken in this great Chamber, and realizing that I may never have this unique opportunity to do so again, I rise in support of this bill. It was a good bill yesterday, it's a good bill today, and I appreciate your consent." (Laughter)

Lieutenant Governor Wicker:

"Let the record show he swayed a lot of votes! (Laughter) Further discussion or debate? If not, the Clerk will call the roll. When your name is called vote 'aye' or 'no.' The Clerk will call the roll."

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

Senator Simpson: "Mr. President."

Lieutenant Governor Wicker: "For what purpose does Senator Simpson arise?"

Senator Simpson: "Point of personal privilege."

Lieutenant Governor Wicker: "The Senator has the floor."

Senator Simpson:

"Mr. President, ladies and gentlemen of the Senate This old Building brings back a lot of memories. I served here across the hall with Senator Kerr's father, the Lieutenant Governor's father, Senator Speed. It was a little bit different then according to what it is now. I had a seat in the Chamber; there was a secretarial pool; we had no office. The back row seats were spread out in the House near those posts. It's hard to see around them some time, so I've had a little experience with that. Committee meetings were held, different committees were held in the Justice Building, Education Committee met at the Education Building, the rest of them met in buildings around, different buildings around. It got awful hot when it got up into June and July. We had an advantage back then because after one hundred twenty days, they cut the pay off so we didn't stay for a lot of that hot weather. Sometimes I hear complaints from other members about the slowness of the elevators, maybe the buttons don't work as often as you want, but I'll tell you one thing, it's a whole lot better than what we had. Thank you."

Senator Speed: "Mr. President."

Lieutenant Governor Wicker: "For what purpose does Senator Speed arise?"

Senator Speed: "To speak to a point of personal privilege."

Lieutenant Governor Wicker: "The Senator has the floor and may state his point of personal privilege."

Senator Speed:

"Members of the Senate, ladies and gentlemen who are present, I did have the opportunity of serving in the House in 1961 which was the last year that the General Assembly met in this Building. As Senator Simpson stated the Lieutenant Governor's father was here, Senator John Kerr's father was here, the Honorable Ike Andrews who is sitting over here, was serving at that time and later went on to serve a distinguished career in the United States Congress. Russell Swindell and R. D. McMillan, who afterwards went on to be outstanding lobbyists in the General Assembly. There might be others here, Mr. President, that served at that time. These are the only ones that I can observe at this time. I would appreciate if you would give any of the others an opportunity to stand if they are here.

"It was great experience; as Senator Simpson stated, it was quite different and he outlined some of the differences. It was a close association and very close fellowship among the members of the General Assembly. Most of us were living down at the Sir Walter Hotel and about as much legislation was passed down there as was up here! (Laughter) But we did save a little to enact up here. It was a great experience and I feel honored to have had the opportunity to have served here in the last session and to have served in the Building that we now are meeting in, in the first session. It was a great experience, I have served with many outstanding citizens. It' s just been real gratifying. It's been a real, real pleasure. I want to thank Senator Basnight for the delightful evening last night and the kind remarks. Thank you, very much."

Senator Shaw: "Mr. President."

Lieutenant Governor Wicker: "For what purpose does Senator Shaw arise?"

Senator Shaw: "Point of personal privilege."

Lieutenant Governor Wicker: "The Senator has the floor and may state his point of personal privilege."

Senator Shaw:

"Most of you don't know this, but my grandfather, four generations back, served as a member of the Assembly of North Carolina in 1771 before this Building was built. Another grandfather served in the House from 1829 to 1837, and I just want to say to my grandpas, a Republican finally made it." (Laughter)

Senator Conder: "Mr. President."

Lieutenant Governor Wicker: "For what purpose does Senator Conder, the Majority Leader, arise?"

Senator Conder: "To speak to a point of personal privilege."

Lieutenant Governor Wicker: "The Senator has the floor and may state his point of personal privilege."

Senator Conder:

"Mr. President, ladies and gentlemen of the Senate, I rose two years age this day to make these very same identical remarks, but on Flag Day, is the birthday of our Lieutenant Governor, and I wish that you all would join me in giving our Lieutenant Governor a very warm happy birthday wish as well as my daughter Rebecca." (Applause)

Lieutenant Governor Wicker:

"Thank you, very much, Mr. Majority Leader, Members of the Senate, and friends. I will tell you quickly that this morning I learned of a very close friend

of mine who also celebrated his birthday today, and I called him to wish him happy birthday, and the first thing I said was, 'Weren't great people born on this day?' And he said, 'Yeah, my dad and I celebrate our birthday today.' (Laughter) I have been humbled by that. Thank you, very much and I appreciate it.

"Senator Basnight of Dare is recognized. Senator before you do, let me ask, if I might, for former members who served in this Body or on the House side if you could signify by either standing or raise your hand so we may be—so we may recognize you. I know Congressman and R.D. is here, and some of the others, Russell Swindell, I see Russell, the Reading Clerk. I see some former members over here to my right, Wanda Hunt, Senator Marshall, Zeb Alley."

Former Senator Rachel Gray from gallery:

"Didn't you say people who had served in this Building?"

Lieutenant Governor Wicker:

"Yes, this one, and now I was going to go to those who had served period. So, if you would just let us recognize you, we are very happy to have you here today. We want to welcome you back here. We appreciate you being part of this ceremony, and for all of you who joined us, I thank you all for coming. Now, at this time the Chair will recognize the President *Pro Tem* of the Senate, Senator Basnight of Dare County."

Senator Basnight:

"Thank you, Mr. President. I now move that the Senate do recess for fifteen minutes. At the time that we are in recess, 'Miss Culture of North Carolina,' Betty McCain, asks that we join her downstairs for punch and refreshments. You have a total of fifteen minutes, then we will reconvene in our new Chambers."

Lieutenant Governor Wicker:

"You've heard the motion, the Senate will stand in recess until five 'til four."

The gavel falls and the Senate stands in recess at 3:40 P.M. to reconvene in the Senate Chamber of the Legislative Building at 4:55 P.M.

RECESS

SENATE CHAMBER,
Legislative Building

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

The President of the Senate extends courtesies of the floor to Dr. Gary L. Fink of Faith, who is serving the Senate as Doctor of the Day.

With unanimous consent the Chair returns to the regular order of business and calls for reports of standing committees.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee**:

H.B. 659 (Committee Substitute), a bill to prohibit hunting from the right–of–way of public roads in Duplin County, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Jordan, the rules are suspended, and the proposed Senate Committee Substitute bill 1275, which changes the title, upon concurrence, to read **H.B. 659** (Senate Committee Substitute), a bill to prohibit hunting without permission from the right–of–way of public roads in Duplin County, is placed before the Senate for immediate consideration.

On motion of Senator Jordan, the Senate Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Thursday, June 15, for further consideration.

H.B. 663, a bill to establish a season for trapping foxes in Halifax County, with a favorable report.

H.B. 655, a bill to allow the City of Raleigh to implement certain alternative zoning notice procedures, with a favorable report.

H.B. 656, a bill to make amendments to the Raleigh City Charter, with a favorable report, as amended.

H.B. 674 (Committee Substitute), a bill to reduce from eleven to seven the number of Guilford County Commissioners and to redistrict the Guilford County Board of Commissioners, subject to a referendum, with an unfavorable report.

H.B. 710 (Committee Substitute), a bill to provide for partisan elections in the City of High Point, if approved by referendum, with an unfavorable report.

By Senator Speed for the **Transportation Committee**:

S.B. 252, a bill to provide that spouses of purple heart plate holders may continue to be issued those plates, with a favorable report.

Pursuant to Rule 43, the bill is re–referred to the **Finance Committee.**

H.B. 568, a bill to clarify and improve sanctions for willful failure to disclose prior damage to a motor vehicle, with a favorable report, as amended.

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee**:

H.B. 448, a bill to provide that eligibility for coverage of certain employees under the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan is based upon retirement membership service, which may be earned after the disability began, with a favorable report.

S.B. 646 (Committee Substitute), a bill to establish a Workers' Compensation Fund for volunteer fire, rescue, and EMS workers, to increase the monthly pension benefits and the monthly pension contributions for these workers, to increase contributions to the Volunteer Fire Department Fund, to reimburse volunteer fire departments and volunteer rescue squads for highway use tax paid on their fire trucks and rescue vehicles, and to generate revenue for these purposes, as written by the **Finance Committee**, with a favorable report.

On motion of Senator Soles, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

S.B. 973, a bill to create the North Carolina workers' compensation loss costs rating law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 5645 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Soles, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

By Senator Lucas for the **Children and Human Resources Committee:**

H.B. 85 (Committee Substitute), a bill to provide that nonprofit barber schools have one instructor for every twenty students, with a favorable report.

H.B. 336, a bill to allow trainers of assistance dogs to be accompanied by an assistance dog during training sessions when using places of public accommodation or common carriers, with a favorable report.

H.B. 350, a bill to require the requesting agency to compensate the interpreters for the deaf in certain judicial, legislative, and administrative proceedings, with a favorable report.

H.B. 378, a bill to resolve possible conflict in laws regarding temporary management of long-term care facilities and State/county special assistance for adults, with a favorable report.

H.B. 386 (Committee Substitute), a bill to give priority to a local forensic examination of a defendant whose capacity to proceed to trial is questioned before a State evaluation is ordered and to modify the authority of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services to restrict the rights of clients at the Pretrial Evaluation Center at Dorothea Dix, with a favorable report.

H.B. 756 (Committee Substitute), a bill to aid in ensuring that residents in domiciliary care homes are in safe and well-managed facilities, with a favorable report.

H.B. 831, a bill to allow area mental health authorities to use State funds for the use of more types of facilities and for facilities operated by governmental entities, with a favorable report.

H.B. 848 (Committee Substitute), a bill to require notice to and consultation with the minor's legally responsible person before discharge from treatment of mental illness or substance abuse, with a favorable report.

H.B. 868 (Committee Substitute), a bill to establish a fund in the Department of Human Resources to provide grants to licensed private child–placing agencies and public child–placing agencies to place more hard–to–place children, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills and resolutions which are read the first time and disposed of, as follows:

S.B. 20, a bill to amend the School Improvement and Accountability Act of 1989, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, June 15.

S.B. 379, a bill recommended by the Legislative Research Commission's Study Committee on the Juvenile Code to allow courts to order psychiatric or psychological treatment of parents of juveniles adjudicated delinquent, undisciplined, abused, neglected, or dependent at the dispositional hearings or subsequent hearings and to provide for notice, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, June 15.

S.B. 708, a bill regarding the procedure for letting public contracts by the City of Charlotte, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence to read **S.B. 708** (House Committee Substitute), a bill regarding the procedure for letting public contracts by the City of Charlotte and to prohibit the unauthorized removal or destruction of campaign signs in Mecklenburg County, which is placed on the Calendar for tomorrow, Thursday, June 15.

S.B. 999 (Committee Substitute), a bill to increase the cost limit on work that can be performed by governmental force account labor, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, June 15.

H.B. 281 (Committee Substitute No. 2), a bill to create the Residential Property Disclosure Act.

The Committee Substitute bill No. 2 is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

H.B. 807, a bill to provide that the Department of Justice may provide criminal record checks to home care agencies and hospices.

The bill is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

CALENDAR (Continued)

S.J.R. 1095, a joint resolution recognizing the one hundredth year of women serving in State legislatures and the many contributions women serving or formerly serving, in various capacities in the General Assembly of the State of North Carolina have made to our legislative process, and honoring North Carolina's women legislators who are now deceased.

With unanimous consent, on motion of Senator Cochrane, the joint resolution is read in its entirety.

S.J.R. 1095, A JOINT RESOLUTION RECOGNIZING THE ONE HUNDREDTH YEAR OF WOMEN SERVING IN STATE LEGISLATURES AND THE MANY CONTRIBUTIONS WOMEN SERVING OR FORMERLY SERVING, IN VARIOUS CAPACITIES IN THE GENERAL ASSEMBLY OF THE STATE OF NORTH CAROLINA HAVE MADE TO OUR LEGISLATIVE PROCESS, AND HONORING NORTH CAROLINA'S WOMEN LEGISLATORS WHO ARE NOW DECEASED.

Whereas, the National Foundation for Women Legislators, Inc., which serves as the educational arm of the National Order of Women Legislators, the oldest professional association for women legislators in the country, is coordinating state, regional, and national celebrations to commemorate the 100th year of women serving in state legislatures; and

Whereas, women state legislators were elected to serve before American women had the universal right to vote; and

Whereas, in January 1895, the first three women were sworn in to serve as state legislators; and

Whereas, the members of the General Assembly recognize the 100th year of women in state legislatures; and

Whereas, the General Assembly proudly recognizes the women who are currently serving and the women who have formerly served in the legislature from across the State for their outstanding contributions and accomplishments as America's true "Timeless Pioneers"; and

Whereas, the celebration of this centennial will elevate public knowledge and awareness of women in State history; and

Whereas, the women legislators have served diligently, enthusiastically, and have devoted most of their lives to their communities, and to our great State; and

Whereas, their knowledge, expertise, and wise leadership are valuable tools to carry North Carolina into the Twenty–First Century; and

Whereas, the General Assembly wishes to recognize its former women State legislators:

Lillian E. Clement, Buncombe County;
Julia M. Alexander, Mecklenburg County;
Carrie L. McLean, Mecklenburg County;
Gertrude D. McKee, Jackson County;
Lily M. Mebane, Rockingham County;
Effie G. Hutchins, Yancey County;
Lillian M. Cover, Cherokee County;
Sue R. Ferguson, Alexander County;

Jennie G. Crave, Mecklenburg County;
Susan G. Ervin, Mecklenburg County
Grace T. Rodenbough, Stokes County;
Thelma R. Fisher, Transylvania County;
Rachel D. Davis, Lenoir County;
Elinor C. Cook, Macon County;
Tressie P. Fletcher, Alexander County;
Caredwyn T. Phelps, Washington County;
Nancy W. Chase, Wayne County;
Iona H. Collier, Jones County;
Martha W. Evans, Mecklenburg County;
Mary F. Brumby, Cherokee County;
Frances C. Ramsey, Madison County;
Geraldine R. Nielson, Forsyth County;
Louise S. Brennan, Mecklenburg County
Patricia S. Hunt, Orange County;
Mary H. Odom, Scotland County;
Alfreda J. Webb, Guilford County;
Marilyn R. Bissell, Mecklenburg County;
Jo G. Foster, Mecklenburg County;
Margaret Keesee–Forrester, Guilford County;
Carolyn W. Mathis, Mecklenburg County;
Lura S. Tally, Cumberland County;
Frances A. Tomlin, Cabarrus County;
Elizabeth A. Wilkie, Henderson County;
Ruth E. Cook, Wake County;
Pat O. Griffin, Durham County;
Bertha M. Holt, Alamance County;
Wilda H. Hurst, Onslow County;
Edith L. Lutz, Cleveland County;
Mary C. Nesbitt, Buncombe County;
Janet W. Pickler, Stanly County;
Katherine H. Sebo, Guilford County;
Frances E. Setzer, Catawba County;
Margaret R. Tennile, Forsyth County;
Betty M. Thomas, Cabarrus County;
Myrtle E. Wiseman, Avery County;
Rachel G. Gray, Guilford County;
Helen R. Marvin, Gaston County;
Mary P. Seymour, Guilford County;
Wilma C. Woodard, Wake County;
Anne E. Bagnal, Forsyth County;
Marie W. Colton, Buncombe County;
Jeanne T. Fenner, Wilson County;
Annie B. Kennedy, Forsyth County;
Mary N. Pegg, Forsyth County;
Dorothy R. Burnley, Guilford County;
Margaret B. Hayden, Alleghany County;
Wanda H. Hunt, Moore County;

Mary L. Jarrell, Guilford County;
Margaret A. Stamey, Wake County;
Jean B. Allred, Alamance County;
Ann Q. Duncan, Forsyth County;
Doris R. Huffman, Catawba County;
Lois S. Walker, Iredell County;
Betty H. Wiser, Wake County;
Judy F. Hunt, Watauga County;
Sharon A. Thompson, Durham County;
Doris L. Lail, Lincoln County;
Peggy A. Wilson, Rockingham County;
Karen E. Gottovi, New Hanover County;
Margaret M. Jeffus, Guilford County;
Linda H. Gunter, Wake County;
Erin J. Kuczmarski, Wake County;
Elaine F. Marshall, Harnett County;
Jane H. Mosley, Wake County; and

Whereas, the General Assembly would like to congratulate the following current women State legislators:

Alma S. Adams, Guilford County;
Martha B. Alexander, Mecklenburg County;
Anne C. Barnes, Orange County;
Cherie K. Berry, Catawba County;
Joanne W. Bowie, Guilford County;
Flossie Boyd-McIntyre, Guilford County;
Debbie A. Clary, Cleveland County;
Betsy L. Cochrane, Rowan County;
Frances M. Cummings, Robeson County;
Beverly M. Earle, Mecklenburg County;
Ruth M. Easterling, Mecklenburg County;
Theresa H. Esposito, Forsyth County;
Virginia A. Foxx, Avery County;
Charlotte A. Gardner, Rowan County;
Julia C. Howard, Davie County;
Tina S. Little, Moore County;
Jeanne H. Lucas, Durham County;
Mary E. McAllister, Cumberland County;
Beverly M. Perdue, Craven County;
Jean R. Preston, Carteret County;
Arlene C. Pulley, Wake County;
Carolyn B. Russell, Lenoir County;
Joanne P. Sharpe, Guilford County;
Wilma M. Sherrill, Buncombe County;
Fern H. Shubert, Union County;
Cynthia B. Watson, Duplin County;
Constance K. Wilson, Mecklenburg County;
Leslie J. Winner, Mecklenburg County; and

Whereas, the General Assembly extends its sincerest appreciation to all of these women who have unselfishly served the "Tarheel" State;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly recognizes the 100th year celebration of women serving in state legislatures and the many contributions women serving, or formerly serving, in various capacities in the General Assembly.

Sec. 2. The General Assembly wishes to honor the memory of the women who served in the General Assembly who are now deceased and expresses the gratitude and appreciation of this State and its citizens for their devoted service to North Carolina.

Sec. 3. The Secretary of State shall transmit a copy of this resolution to the women named above who are currently serving in the General Assembly and to the National Foundation for Women Legislators, Inc.

Sec. 4. This resolution is effective upon ratification. *(See Appendix)*

With unanimous consent, on motion of Senator Basnight, the remarks of Senator Cochrane honoring former women legislators are spread upon the Journal, as follows:

Senator Cochrane:

"Thank you, Mr. President. In the early days of this century, Lillian Exum Clement of Asheville wrote to her brother, 'Mankind has written millions of laws for thousands of years to enforce only eight fundamental ones. I'm going to study law.' This decision set her on a history-making course. In 1920, North Carolina became the first southern State to send a woman to its State Legislature when Miss Clement was elected to the State House by a margin of 10,368 votes to 41. Her election was made more interesting by the fact that, at the time of her nomination, she was ineligible to vote, since the Nineteenth Amendment had not been ratified. It's perhaps indicative of the times that the *New York Times* expressed its admiration for the men of North Carolina for setting a precedent.

"Her election raised some interesting situations for both her and her colleagues, who referred to her as 'Brother Exum.' When Miss Clement married during her term, the General Assembly had to enact a special law to change her name for the Assembly roll-call. The original legislators never envisioned the need for such a law. Many of her experiences were doubtless the same as all legislators. When she introduced what became known as the 'Clement Bill,' calling for private voting booths and a secret ballot, she found herself deserted by all but a few of her own party. Critics believed these methods would cause politicians to lose direct contact with their voters. After the defeat of the bill, Clement remarked, 'I have a new sensation today. I have felt the steamroller go over me.' Displaying the tenacity that probably got her to the Legislature in the first place, the bill was re-introduced and passed.

"She would say of her election, 'I was afraid at first that men would oppose me because I am a woman, but I don't feel that way now. I have always worked with men and I know them as they are. I have no false illusions or fears of them. I am, by nature, very conservative, but I am firm in my convictions. I want to blaze a trail for other women. I know that years from now there will be many other women in politics, but you do have to start a thing.' And start a thing, she did.

"Although these halls were not immediately filled with women, Clement was followed by two more women House members before the Senate got around to seating its first woman member, Gertrude D. McKee of Jackson County. She was

elected in 1930 and she jokingly referred to her forty–nine male colleagues as, 'my children.' McKee was seriously considered as a gubernatorial nominee in the 1944 election. Over the years, a total of 101 women have served in the General Assembly between 1921 and 1959, only thirteen women had served in a legislature. Other firsts followed.

"Geraldine Nielson of Forsyth County was the first Republican woman elected to the Senate, in 1967. Alfreda Johnson Webb was the first African–American woman appointed to the House in 1971, although she was appointed after the Session and therefore never actually served in the Assembly. Annie Brown Kennedy did serve after her appointment in 1979. In the last election, 28 of the 120 legislators elected were women.

"Despite the fact that women legislators have represented opposing parties, different sections of the State, divergent opinions, and diverse age groups, they almost always focused on reform, often championing improvements in the welfare of children and in education. Through the years, women have introduced bills regulating child labor, providing a minimum salary for teachers, requiring increased sanitation for dairy producers, and outlawing marital rape. Because of the efforts of these women, the quality of life in North Carolina was, and is improved. Women have now served as heads of committees, minority and majority leaders, Speaker *Pro Tempore*. Many good things have been accomplished by all of these women, but there are still many things yet to do.

"We thank those women who came before us for the example that they set, and we look forward to those who will follow the ones of us who are here today. And at the proper time, Mr. President, I hope you will recognize those ladies who did serve in this General Assembly before. They are seated to my right, I beg your pardon—my left, your right, and we are so pleased that they are there and I hope you will acknowledge them at the appropriate time."

With unanimous consent, the joint resolution passes its second and third readings, with Members standing. On motion of Senator Cochrane, without objection, the joint resolution is ordered sent to the House of Representatives by special messenger.

The Chair extends courtesies of the gallery to all former members present. The Senate acknowledges those former Senators present with a standing ovation.

With unanimous consent, on motion of Senator Cochrane, the remarks of Senator Basnight, President *Pro Tempore*, acknowledging those former members present are spread upon the Journal, as follows:

Senator Basnight:

"To the Members of the Senate. I rise to speak of the occasion, the contributions made to this great State of ours, and some of those Members that most of us, or some of us who have been here for some period of time, can recall who are not with us now. And I can't forget the contributions that Senator Helen Marvin made, as well as Senator Hunt, Senator Tally, and others that I served with. I do not purposely leave out a name, but I just can recall many of the struggles, as many of you have witnessed over time, in their effort to make change, rightful change, to bring equity and fairness to this great State of ours, to give those who are downtrodden among us, an opportunity to succeed and become contributing members of society and their community, and what we all attempt to

do, and that's to be the kind of person that we would like for others to be. We seem not just to think of ourselves at times, but sometimes we forget what ourselves are all about.

"I saw Helen, Miss Helen, one day approach the Appropriations Chair's podium to challenge a particular bill that meant a great deal to the women of this State and her children, and I remember her being so evilly chastised for even challenging what, at that time, was the leadership of our Body. But fortunately, not just for women, but for all people who struggle to do right by others, Helen Marvin, her friends, and people like her served in this Assembly, and made North Carolina a better place.

"And, Lura, to you I thank you for your contributions to see that we still have clean air and water, and the streams will flow clean for all future generations. Wanda, you were a real Trojan when people needed you to help those in the human affairs of life. And I know two others who are not gathered here today, your contributions will be remembered as well. I thank each and every one of you for making North Carolina just a little bit better."

H.B. 265 (Committee Substitute), a bill to allow service of process by a private process server when a proper officer returns service of process unexecuted.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

With unanimous consent, the President grants a leave of absence for the remaining portion of today's session to Senator Hobbs.

H.B. 341, a bill to establish requirements for individuals to report work search efforts in order to remain eligible for unemployment benefits.

The bill passes its second (47–0) and third readings and is ordered enrolled.

H.B. 645 (Committee Substitute), a bill to provide that local governments may regulate the possession of open containers of alcoholic beverages on public property and the possession of alcoholic beverages on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, changing the title upon concurrence, to read **H.B. 645** (Senate Committee Substitute), a bill to make Statewide a local act providing that local governments may regulate the possession of open containers of malt beverages and unfortified wine on public property and the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, and further defining public property and open container.

The Chair rules the Senate Committee Substitute bill a substitute amendment for the pending floor amendment, No. 2, recommitted to the **Judiciary II/Election Laws Committee** on June 12.

Senator Horton offers Amendment No. 1 to the Senate Committee Substitute bill which is adopted (47–0).

Following debate, the Chair orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced.

H.B. 265 (Committee Substitute), a bill to allow service of process by a private process server when a proper officer returns service of process unexecuted, temporarily displaced earlier.

The Committee Substitute bill passes its second reading (44–4).

Senator Gulley objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, June 15, for further consideration upon third reading.

H.B. 708 (Committee Substitute), a bill to amend the General Statutes to authorize the Department of Environment, Health, and Natural Resources to electronically monitor and record compliance data off-site from special purpose commercial hazardous waste facilities that use hazardous waste as a fuel, changing the title upon concurrence to read **H.B. 708** (Senate Committee Substitute), a bill to amend the General Statutes to authorize the Department of Environment, Health, and Natural Resources to electronically monitor and record compliance data off-site from special purpose commercial hazardous waste facilities that use hazardous waste as a fuel and to clarify the circumstances under which a private environmental consulting or engineering firm may be employed to implement and oversee a voluntary remedial action.

The Senate Committee Substitute bill passes its second reading (44–1).

Senator Shaw objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, June 15, for further consideration upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 981, a bill to amend the qualified investment tax credit to provide an incentive for investment in small North Carolina film production businesses, with a favorable report.

H.B. 12 (Senate Committee Substitute), a bill to amend the Constitution of North Carolina to provide for term limits for members of the General Assembly, to provide incentives for candidates for the General Assembly to limit their campaign expenditures, and to establish North Carolinians for Positive Campaigns and make related changes, as written by the **Judiciary I/Constitution Committee**, with a favorable report.

On motion of Senator Kerr, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 676, a bill to authorize establishment of an Outer Banks Beautification District and provide for the levy and collection of property taxes in the District, subject to approval of the voters of the District, with a favorable report.

H.B. 682 (Committee Substitute), a bill making further sundry amendments concerning local governments in Orange County, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Senate Committee Substitute bill 2179, which changes the title, upon concurrence, to read

H.B. 682 (Senate Committee Substitute), a bill making further sundry amendments concerning local governments in Orange and Chatham Counties, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Senate Committee Substitute bill is adopted. The Chair rules the Senate Committee Substitute bill requires a call of the roll. On motion of Senator Kerr, the Senate Committee Substitute bill is placed on the Calendar for Thursday, June 15, for further consideration upon second reading.

CALENDAR (Continued)

H.B. 792, a bill to direct the Utilities Commission to provide that each franchised natural gas distribution company shall expand service to all areas of its franchise territory within three years or lose its exclusive rights to the franchise territory.

The bill passes its second (47–0) and third readings and is ordered enrolled.

H.B. 798 (Senate Committee Substitute), a bill to repeal certain requirements pertaining to materials used in conjunction with food consumption.

The Senate Committee Substitute bill passes its second (48–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 846, a bill to provide that State legislative and congressional redistricting plans may not divide precincts unless a plan has been rejected under Section 5 of the Voting Rights Act of 1965, and if so rejected, only the minimum number of precincts are divided in a subsequent plan as are required to obtain approval.

The bill passes its second reading (44–3).

Senator Martin of Guilford, objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the bill placed on the Calendar for tomorrow, Thursday, June 15, for further consideration upon third reading.

S.B. 1049 (Committee Substitute), a bill to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and to limit credits for investments in certain investment businesses, upon third reading.

With unanimous consent, on motion of Senator Sherron, further consideration of the Committee Substitute bill is postponed until Tuesday, June 20.

H.B. 645 (Committee Substitute), a bill to provide that local governments may regulate the possession of open containers of alcoholic beverages on public property and the possession of alcoholic beverages on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, changing the title upon concurrence, to read **H.B. 645** (Senate Committee Substitute), a bill to make Statewide a local act providing that local governments may regulate the possession of open containers of malt beverages and unfortified wine on public property and the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, and further defining public property and open container, as amended, temporarily displaced earlier.

Senator Horton offers Amendment No. 2 which is adopted (47–0).

The Senate Committee Substitute bill, as amended, passes its second (42–3) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 270 (Committee Substitute), a bill to make changes in the laws pertaining to alimony, as amended, upon third reading.

Senator McDaniel offers Amendment No. 3. Following lengthy debate, Senator McDaniel calls the previous question, seconded by Senator Rand. Senator Gulley rises to a point of order as to the call for the previous question being applicable only to Amendment No. 3. The Chair rules the motion applicable to the amendment only. The call is sustained. Amendment No. 3 fails of adoption (18–30) and the question reverts to passage of the Committee Substitute bill, as amended, upon third reading.

Senator Gulley offers Amendment No. 4. Following debate, Senator Gulley requests permission to withdraw and amend Amendment No. 4. With unanimous consent, the Chair orders Amendment No. 4 returned to Senator Gulley who subsequently resubmits Amendment No. 4 with changes.

Senator Simpson rises to a point of order as to the intent of Amendment No. 4. The Chair rules Amendment No. 4 in order without speaking to intent.

Following lengthy debate, Senator Gulley calls the previous question on Amendment No. 4, seconded by Senator Rand. The call is sustained. Amendment No. 4 is adopted (44–4).

The Committee Substitute bill, as amended, passes its third reading (43–5) and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1, No. 2, and No. 4.

COMMITTEE REFERRAL RECALL

S.B. 87, a bill to establish the Community–Based Partnership and Grant Program and to establish a Grants Information Network, referred to **Children and Human Resources Committee** on January 30.

Pursuant to Rule 47(b), Senator Lucas offers a motion the bill be taken from the **Children and Human Resources Committee** and re–referred to the **Appropriations Committee**, which motions she subsequently withdraws.

CALENDAR (Continued)

S.B. 82 (House Committee Substitute), a bill to increase the amount of property collectible by small estate affidavit where the sole heir and/or devisee is the surviving spouse, to increase the minimum amount of intestate personal property passing to the surviving spouse, and to increase the amount of the year's allowance for a surviving spouse and children, as recommended by the General Statutes Commission, and to increase the limitation for funeral expenses, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (42–0) and the measure is ordered enrolled.

S.B. 180 (Committee Substitute), a bill to increase the minimum payment due to the Employment Security Commission from one dollar to five dollars, to authorize

certain businesses to file annual reports with the Employment Security Commission rather than quarterly reports, and to authorize certain businesses that are allowed to file annual reports to file by telephone, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 180** (House Committee Substitute), a bill to modify the payment and reporting requirements and the collection procedures for unemployment contributions and to provide for a reduction in these contributions in certain circumstances.

With unanimous consent, on motion of Senator Shaw, consideration of the House Committee Substitute bill is postponed until Wednesday, June 21.

S.B. 349 (House Committee Substitute), a bill to revise the membership of the Housing Coordination and Policy Council, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46–0) and the measure is ordered enrolled.

S.B. 505 (House Committee Substitute), a bill to clarify the grounds for removal of a member of a local board of health, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46–0) and the measure is ordered enrolled.

S.B. 519 (Committee Substitute), a bill to encourage the purchase of commodities and services offered by blind and by severely disabled persons, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (47–0) and the Committee Substitute bill is ordered enrolled.

S.B. 679, a bill to validate certain actions of water and sewer districts, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 679** (House Committee Substitute), a bill to validate certain actions of water and sewer districts and to provide for payment of relocation costs of water and sewer lines belonging to certain municipalities.

The Senate concurs in the House Committee Substitute bill (46–0) and the measure is ordered enrolled.

S.B. 686, a bill to clarify the voting authority of members of the State Banking Commission, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (47–0) and the bill is ordered enrolled.

S.B. 818, a bill to establish a Birth Defects Monitoring Program in the Department of Environment, Health, and Natural Resources, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (45–1) and the bill is ordered enrolled.

S.B. 967 (House Committee Substitute), a bill to establish a pilot program to permit community colleges to use inmate labor for capital construction projects, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45–0) and the measure is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution which is read the first time and disposed of, as follows:

H.J.R. 1055, a joint resolution recognizing the one hundredth year of women serving in State legislatures and the many contributions women serving or formerly serving, in various capacities in the General Assembly of the State of North Carolina have made to our legislative process, and honoring North Carolina's women legislators who are now deceased.

The joint resolution is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills and resolutions which are read the first time and disposed of, as follows:

H.B. 281 (Committee Substitute No. 2), a bill to create the Residential Property Disclosure Act, ordered held in the Office of the Principal Clerk earlier today.

The Chair orders the Committee Substitute bill No. 2 recalled from the Office of the Principal Clerk and referred to **Judiciary I/Constitution Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 807, a bill to provide that the Department of Justice may provide criminal record checks to home care agencies and hospices, ordered held in the Office of the Principal Clerk earlier today.

The Chair orders the bill recalled from the Office of the Principal Clerk and referred to the **Finance Committee.**

COMMITTEE REFERRAL RECALL

S.B. 198, a bill to appropriate funds for low-wealth school systems' supplemental funding, referred to **Education/Higher Education Committee** on February 14.

Pursuant to Rule 47(b), Senator Winner offers a motion the bill be taken from the **Education/Higher Education Committee** and re-referred to the **Appropriations Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Education/Higher Education Committee** and refers the measure to the **Appropriations Committee.**

On motion of Senator Basnight, seconded by Senators Cochrane, Foxx, Little, Lucas, Perdue, and Winner, the Senate adjourns at 6:50 P.M. to meet tomorrow, Thursday, June 15, at 11:00 A.M.

EIGHTY-SECOND DAY

SENATE CHAMBER,
Thursday, June 15, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, quoting from Be Thou Present, as follows:

"Almighty God, we pray to You, knowing deep within us that in the midst of things to be done and tasks to be accomplished, we need this time of waiting upon Your Presence.

"In the midst of all the words said to us and about us, we need to listen to Your Word. In the midst of a world that would shape us and mold us into its image, we need to be reminded of who we are and of Whose we are. We are created in Your Image and we are Your Children, O God. Fill us with Your Presence so that our lives might be filled with Your Grace. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Plexico.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, June 14, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Donald E. Vaughn of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 208 (Senate Committee Substitute No. 2), an act to allow Alleghany, Currituck, Edgecombe, Greene, Halifax, Jackson, Madison, Moore, Randolph, Scotland, Union, and Wake Counties to acquire property for use by their county boards of education and to clarify that boards of education have the same degree of construction oversight when a county owns the property upon which the school buildings are built as when the local boards own the property. (Ch. 251)

S.B. 268 (Committee Substitute), an act to provide that fees paid by borrowers to loss reserve accounts of State-funded economic development programs are not considered interest or subject to claims or defenses of usury. (Ch. 252)

S.B. 318, an act to change the time requirement for the updating of the plan for serving older adults. (Ch. 253)

S.B. 334 (Committee Substitute), an act to make clarifying changes to the Long-Term Care Ombudsman Program law, the Nursing Home Community Advisory Committee law, and the Domiciliary Home Community Advisory Committee law. (Ch. 254)

S.B. 416, an act to revise the provision of the Juvenile Code governing the authority of medical professionals to conform to the revised definition of abuse. (Ch. 255)

S.B. 554, an act to authorize the purchase of goods and services for persons with disabilities under procedures that allow flexibility to meet individual needs. (Ch. 256)

S.B. 585 (Committee Substitute), an act to expedite execution or judgments against the property of the judgment debtor. (Ch. 257)

S.B. 616, an act to make it a felony to maim, to seriously injure, or to kill a law-enforcement animal. (Ch. 258)

H.B. 333 (Senate Committee Substitute), an act to provide that a register of deeds who completes service after ten years of eligible service as register of deeds but does not commence retirement from the Local Governmental Employees' Retirement System may receive a monthly pension from the Register of Deeds' Supplemental Pension Fund upon retirement under the Local Governmental Employees' Retirement System, and to conform the earnings limitations of locally sponsored plans to those of the Local Governmental Employees' Retirement System. (Ch. 259)

H.B. 642 (Senate Committee Substitute), an act to increase the size of the Board of Commissioners of Edgecombe County from five to seven members and provide for the electoral districts, and to allow the Northampton County Board of Social Services to employ one of its members. (Ch. 260)

H.B. 692 (Committee Substitute), an act allowing counties to use alternative methods of notification of property owners of proposed zoning notice changes. (Ch. 261)

S.B. 82 (House Committee Substitute), an act to increase the amount of property collectible by small estate affidavit where the sole heir and/or devisee is the surviving spouse, to increase the minimum amount of intestate personal property passing to the surviving spouse, and to increase the amount of the year's allowance for a surviving spouse and children, as recommended by the General Statutes Commission, and to increase the limitation for funeral expenses. (Ch. 262)

S.B. 349 (House Committee Substitute), an act to revise the membership of the Housing Coordination and Policy Council. (Ch. 263)

S.B. 505 (House Committee Substitute), an act to clarify the grounds for removal of a member of a local board of health. (Ch. 264)

S.B. 519 (Committee Substitute), an act to encourage the purchase of commodities and services offered by blind and by severely disabled persons. (Ch. 265)

S.B. 679 (House Committee Substitute), an act to validate certain actions of water and sewer districts and to provide for payment of relocation costs of water and sewer lines belonging to certain municipalities. (Ch. 266)

S.B. 686, an act to clarify the voting authority of members of the State Banking Commission. (Ch. 267)

S.B. 818, an act to establish a Birth Defects Monitoring Program in the Department of Environment, Health, and Natural Resources. (Ch. 268)

S.B. 967 (House Committee Substitute), an act to establish a pilot program to permit community colleges to use inmate labor for capital construction projects. (Ch. 269)

H.B. 341, an act to establish requirements for individuals to report work search efforts in order to remain eligible for unemployment benefits. (Ch. 270)

H.B. 792, an act to direct the Utilities Commission to provide that each franchised natural gas distribution company shall expand service to all areas of its franchise territory within three years or lose its exclusive rights to the franchise territory. (Ch. 271)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee**:

H.B. 140 (Committee Substitute), a bill to revise the penalties for driving a vehicle without insurance, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the proposed Senate Committee Substitute bill 5167 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Finance Committee.**

COMMITTEE REFERRAL RECALL

S.B. 87, a bill to establish the Community–Based Partnership and Grant Program and to establish a Grants Information Network, referred to the **Children and Human Resources Committee** on January 30.

Pursuant to Rule 47(b), Senator Lucas offers a motion the bill be taken from the **Children and Human Resources Committee** and re–referred to the **Appropriations Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Children and Human Resources Committee**, and refers the measure to the **Appropriations Committee**.

REPORTS OF COMMITTEE (Continued)

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 280 (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen and to prohibit the discharge of pyrotechnics within one hundred feet of woodlands, with a favorable report.

H.B. 463 (Committee Substitute), a bill to direct the Administrative Office of the Courts to investigate and report on the number of equitable distribution cases pending across the State and the reasons for delays in disposition of the cases, with a favorable report.

H.B. 416, a bill to clarify that immunity from liability for agencies supervising community service work includes claims from persons working under a deferred prosecution agreement, persons on probation and persons on parole, with a favorable report.

CALENDAR

H.B. 848 (Committee Substitute), a bill to require notice to and consultation with the minor's legally responsible person before discharge from treatment of mental illness or substance abuse, on today's Calendar.

With unanimous consent, on motion of Senator Rand, the Committee Substitute bill is taken up out of its regular order of business and on his further motion, consideration of the Committee Substitute bill is postponed until Tuesday, June 20.

H.B. 85 (Committee Substitute), a bill to provide that nonprofit barber schools have one instructor for every twenty students, on today's Calendar.

With unanimous consent, on motion of Senator Forrester, the Committee Substitute bill is taken up out of its regular order of business and on his further motion, consideration of the Committee Substitute bill is postponed until Wednesday, June 21.

H.B. 846, a bill to provide that State legislative and congressional redistricting plans may not divide precincts unless a plan has been rejected under Section 5 of the Voting Rights Act of 1965, and if so rejected, only the minimum number of precincts are divided in a subsequent plan as are required to obtain approval, on today's Calendar, upon third reading.

With unanimous consent, on motion of Senator Martin of Guilford, the bill is taken up out of its regular order of business and on his further motion, consideration of the bill, upon third reading, is postponed until Monday, June 19.

H.B. 568, a bill to clarify and improve sanctions for willful failure to disclose prior damage to a motor vehicle, on today's Calendar.

With unanimous consent, on motion of Senator Plyler, the bill is taken up out of its regular order of business, and on his further motion, consideration of the bill is postponed until Wednesday, June 21.

Upon the appearance of Senator Plexico in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 51 (House Committee Substitute), a bill to require a one-year suspension for any student who brings certain weapons onto school property and to allow the superintendent to modify the suspension for children with special needs or by providing an alternative school setting, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, June 19.

S.B. 244 (House Committee Substitute), a bill to provide for the summary administration of an estate where a surviving spouse is the sole beneficiary of the estate, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, June 19.

S.B. 300 (House Committee Substitute), a bill to authorize the Department of Commerce to pledge block grant funds as loan guarantees pursuant to the Housing and Community Development Act, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, June 19.

S.B. 1042 (House Committee Substitute), a bill to make various amendments regarding guaranteed energy savings contracts in order to enhance the viability of guaranteed energy savings contracts by local governmental units and to repeal the sunset for local governmental units to enter into these contracts, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, June 19.

S.B. 1086, a bill to allow banks to make loans secured by shares of its own stock or that of its parent holding company under certain circumstances, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, June 19.

H.B. 768, a bill to provide that the highway use tax trade-in allowance applies when two cars are exchanged for one another.

Referred to **Finance Committee.**

REPORT OF COMMITTEE

A bill is reported from a standing committee out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 894, a bill to restore the motor fuel tax exemption for fuel used in vehicles owned by a community college, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Committee Substitute bill 8662, which changes the title to read **S.B. 894** (Committee

Substitute), a bill to restore the motor fuel tax exemption for fuel used in vehicles owned by a community college and to allow sanitary districts a refund of tax paid on motor fuel, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 19, for further consideration.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 676, a bill to authorize establishment of an Outer Banks Beautification District and provide for the levy and collection of property taxes in the District, subject to approval of the voters of the District, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: Senators Clark and Page—2.

The bill is ordered placed on the Calendar for Monday, June 19, for further consideration, upon third reading.

H.B. 682 (Committee Substitute), a bill making further sundry amendments concerning local governments in Orange County, changing the title, upon concurrence, to read **H.B. 682** (Senate Committee Substitute), a bill making further sundry amendments concerning local governments in Orange and Chatham Counties, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 40, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—40.

Voting in the negative: Senators Clark, Davis, East, Forrester, Kincaid, McDaniel, Page, and Webster—8.

The Senate Committee Substitute bill is ordered placed on the Calendar for Monday, June 19, for further consideration, upon third reading.

H.B. 655, a bill to allow the City of Raleigh to implement certain alternative zoning notice procedures.

With unanimous consent, on motion of Senator Sherron, the bill is re-referred to the **Finance Committee**.

H.B. 656, a bill to make amendments to the Raleigh City Charter.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 656**, a bill to make amendments to

the Raleigh City Charter and to allow the City of Raleigh to impose certain regulations on portions of State system highways.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 659 (Committee Substitute), a bill to prohibit hunting from the right–of–way of public roads in Duplin County, changing the title, upon concurrence, to read **H.B. 659** (Senate Committee Substitute), a bill to prohibit hunting without permission from the right–of–way of public roads in Duplin County.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Committee Substitute bill.

H.B. 663, a bill to establish a season for trapping foxes in Halifax County.

The bill passes its second and third readings and is ordered enrolled.

S.B. 708, a bill regarding the procedure for letting public contracts by the City of Charlotte, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 708** (House Committee Substitute), a bill regarding the procedure for letting public contracts by the City of Charlotte and to prohibit the unauthorized removal or destruction of campaign signs in Mecklenburg County.

The Senate concurs in the House Committee Substitute bill (48–0) and the measure is ordered enrolled.

S.B. 981, a bill to amend the qualified investment tax credit to provide an incentive for investment in small North Carolina film production businesses, upon second reading.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The bill passes its second reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 19, for further consideration upon third reading.

With unanimous consent, the President Pro Tempore grants a leave of absence at 12:00 Noon for a portion of today's Session to Senator Cooper to present a bill under his sponsorship to a committee of the House of Representatives.

COMMITTEE REFERRAL RECALL

H.B. 114, a bill to provide that the merger of the Alamance County Schools and the Burlington City Schools may become effective only if approved by the voters

of Alamance County, referred to the **Local Government and Regional Affairs Committee** on February 21.

Pursuant to Rule 47(b), Senator Jordan offers a motion the bill be taken from the **Local Government and Regional Affairs Committee** and re–referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Local Government and Regional Affairs Committee** and refers the measure to the **Finance Committee.**

CALENDAR (Continued)

H.B. 336, a bill to allow trainers of assistance dogs to be accompanied by an assistance dog during training sessions when using places of public accommodation or common carriers.

The bill passes its second (45–0) and third readings and is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee:**

H.B. 491 (Committee Substitute), a bill to provide for the reexamination by the Environmental Management Commission of the classification of certain water supply watersheds that meet the standards of more than one classification and to reclassify those watersheds accordingly, with a favorable report.

H.B. 873, a bill to limit the substances that applicators of pesticides are authorized to apply and to provide for the pesticide applicator's license to be revoked, suspended, or denied for violating this limitation, with a favorable report, as amended.

S.B. 927, a bill to provide that no permit is required for small landfills for the disposal of demolition debris to be located in a rural county that has no licensed demolition debris landfill, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Committee Substitute bill 5650, which changes the title to read **S.B. 927** (Committee Substitute), a bill to provide that no permit is required for small landfills for the disposal of demolition debris, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the Committee Substitute bill is adopted, and on his further motion is re–referred to the **Finance Committee.**

S.B. 951, a bill to direct the Department of Environment, Health, and Natural Resources to study ways to simplify and improve environmental regulation through coordination, compliance assistance, and incentives for enhanced self–regulation and to study ways to streamline the permit process, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the proposed Committee Substitute bill 2653 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re–referred to the **Appropriations Committee**.

CALENDAR (Continued)

H.B. 350, a bill to require the requesting agency to compensate the interpreters for the deaf in certain judicial, legislative, and administrative proceedings.

The bill passes its second (44–0) and third readings and is ordered enrolled.

With unanimous consent, the Senate recesses at 12:08 P.M. for the purpose of committee meetings to reconvene at 12:25 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the President *Pro Tempore*, Senator Basnight.

CALENDAR (Continued)

H.B. 378, a bill to resolve possible conflict in laws regarding temporary management of long–term care facilities and State/county special assistance for adults.

The bill passes its second reading (39–2).

Senator Simpson objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, June 19, for further consideration upon third reading.

H.B. 386 (Committee Substitute), a bill to give priority to a local forensic examination of a defendant whose capacity to proceed to trial is questioned before a State evaluation is ordered and to modify the authority of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services to restrict the rights of clients at the Pretrial Evaluation Center at Dorothea Dix.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The Committee Substitute bill passes its second reading (42–2).

Senator Gulley objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, June 19, for further consideration upon third reading.

REPORT OF COMMITTEE

A bill is reported from a standing committee out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee**:

H.B. 469, a bill to change the manner of election of the Davidson County Board of Education from nonpartisan election at the time of the primary to nonpartisan election at the time of the general election, with a favorable report.

CALENDAR (Continued)

H.B. 448, a bill to provide that eligibility for coverage of certain employees under the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan is based upon retirement membership service, which may be earned after the disability began.

The Chair orders, without objection, the bill temporarily displaced.

H.B. 756 (Committee Substitute), a bill to aid in ensuring that residents in domiciliary care homes are in safe and well-managed facilities.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rand for the **Rules and Operation of the Senate Committee**:

H.B. 227 (Committee Substitute), a bill to codify the creation by the 1983 General Assembly of the Institute of Medicine, with a favorable report.

H.B. 231, a bill to request the Supreme Court to adopt a plan to administer justice without delay in North Carolina trial courts, with a favorable report, as amended.

H.B. 895 (Committee Substitute), a bill to provide notice of federal mandates by requiring the certification of proposed legislation and rules purported to be required by federal law, to provide for review by the Governor of administrative rules that would increase or decrease expenditures or revenues of units of local government, to amend the Local Government Fiscal Information Act to require the preparation of fiscal notes for certain proposed legislation, and to provide for the compilation of the costs of federal mandates on the expenditures and revenues of State government and local governments, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendments No. 1 and No. 2 are adopted.

Pursuant to Rule 43, the Chair orders the Committee Substitute bill, as amended, re-referred to the **Appropriations Committee**.

S.B. 629, a bill relating to Cumberland County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill with an amendment attached.

On motion of Senator Rand, the rules are suspended, and the proposed Committee Substitute bill 8650 with the amendment attached, which changes the title to read **S.B. 629** (Committee Substitute), a bill creating the Criminal Justice Information Network Governing Board and appropriating funds to the Office of State Budget and Management for the work of the Criminal Justice Information Network Governing Board, is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Committee Substitute bill with the amendment attached is adopted.

The Chair rules the adoption of the Committee Substitute bill changes the measure from a local bill to a public bill.

On motion of Senator Rand, the Committee Substitute bill is re–referred to the **Appropriations Committee.**

By Senator Speed for the **Transportation Committee:**

S.B. 879, a bill to transfer the North Carolina State Ports Authority and the North Carolina Ports Railway Commission to the Department of Transportation, to amend the responsibilities of the Board of Transportation, and to provide for two appointments to the Ports Authority Board to be made by the President *Pro Tempore* of the Senate, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, and the proposed Committee Substitute bill 4645, which changes the title to read **S.B. 879** (Committee Substitute), a bill to establish a legislative study commission to study the issue of the transfer of the North Carolina State Ports Authority and the North Carolina Ports Railway Commission to the Department of Transportation, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Committee Substitute bill is adopted and on his further motion is re–referred to the **Appropriations Committee.**

CALENDAR (Continued)

H.B. 448, a bill to provide that eligibility for coverage of certain employees under the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan is based upon retirement membership service, which may be earned after the disability began, temporarily displaced earlier.

The bill passes its second (44–0) and third readings and is ordered enrolled.

Upon the appearance of Senator Cooper in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 831, a bill to allow area mental health authorities to use State funds for the use of more types of facilities and for facilities operated by governmental entities.

The bill passes its second reading (44–2).

Senator Simpson objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the bill placed on the Calendar for Monday, June 19, for further consideration upon third reading.

H.B. 265 (Committee Substitute), a bill to allow service of process by a private process server when a proper officer returns service of process unexecuted, upon third reading.

The Committee Substitute bill passes its third reading (46–1) and is ordered enrolled.

H.B. 708 (Committee Substitute), a bill to amend the General Statutes to authorize the Department of Environment, Health, and Natural Resources to

electronically monitor and record compliance data off–site from special purpose commercial hazardous waste facilities that use hazardous waste as a fuel, changing the title, upon concurrence, to read **H.B. 708** (Senate Committee Substitute), a bill to amend the General Statutes to authorize the Department of Environment, Health, and Natural Resources to electronically monitor and record compliance data off–site from special purpose commercial hazardous waste facilities that use hazardous waste as a fuel and to clarify the circumstances under which a private environmental consulting or engineering firm may be employed to implement and oversee a voluntary remedial action, upon third reading.

The Senate Committee Substitute bill passes its third reading (45–1) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 20, a bill to amend the School Improvement and Accountability Act of 1989, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (49–0) and the measure is ordered enrolled.

S.B. 379, a bill recommended by the Legislative Research Commission's Study Committee on the Juvenile Code to allow courts to order psychiatric or psychological treatment of parents of juveniles adjudicated delinquent, undisciplined, abused, neglected, or dependent at the dispositional hearings or subsequent hearings and to provide for notice, for concurrence in House Amendment No. 1.

With unanimous consent, on motion of Senator Cooper, consideration of the bill is postponed until Tuesday, June 20.

S.B. 999 (Committee Substitute), a bill to increase the cost limit on work that can be performed by governmental force account labor, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (49–0) and the measure is ordered enrolled.

On motion of Senator Basnight, seconded by Senator Little, the Senate adjourns at 1:03 P.M. to meet Monday, June 19, at 4:00 P.M.

EIGHTY–THIRD DAY

SENATE CHAMBER,
Monday, June 19, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, we know that the ancient Greeks called it battle by proxy, sending out a champion to challenge any single fighter that the opponent could muster. Holy Scripture's story of David and Goliath depicts such a battle.

"Each of us in this place, O God, stand in the shadow of our personal Goliaths. Give us the bravery and faith of David to face such battles with the assurance of Your Presence as our strong ally and hope! Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, June 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Jeffrey K. Kobs of Raleigh, in absentia, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 20, an act to amend the School Improvement and Accountability Act of 1989. (Ch. 272)

S.B. 708 (House Committee Substitute), an act regarding the procedure for letting public contracts by the City of Charlotte and to prohibit the unauthorized removal or destruction of campaign signs in Mecklenburg County. (Ch. 273)

S.B. 999 (Committee Substitute), an act to increase the cost limit on work that can be performed by governmental force account labor. (Ch. 274)

H.B. 265 (Committee Substitute), an act to allow service of process by a private process server when a proper officer returns service of process unexecuted. (Ch. 275)

H.B. 336, an act to allow trainers of assistance dogs to be accompanied by an assistance dog during training sessions when using places of public accommodation or common carriers. (Ch. 276)

H.B. 350, an act to require the requesting agency to compensate the interpreters for the deaf in certain judicial, legislative, and administrative proceedings. (Ch. 277)

H.B. 448, an act to provide that eligibility for coverage of certain employees under the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan is based upon retirement membership service, which may be earned after the disability began. (Ch. 278)

H.B. 663, an act to establish a season for trapping foxes in Halifax County. (Ch. 279)

H.B. 756 (Committee Substitute), an act to aid in ensuring that residents in domiciliary care homes are in safe and well-managed facilities. (Ch. 280)

S.B. 287 (Committee Substitute No. 2), an act to create offenses of statutory rape and statutory sexual offense against victims who are thirteen, fourteen, or fifteen years old. (Ch. 281)

S.B. 714, an act amending the Charter of the City of Durham relating to notification requirements for rezoning annexed property. (Ch. 282)

H.B. 328 (Committee Substitute), an act to increase the penalties for failure to give way to an overtaking vehicle. (Ch. 283)

H.B. 340 (Senate Committee Substitute), an act to provide that an individual who is unable to pass a controlled substance examination is ineligible for unemployment benefits under certain circumstances. (Ch. 284)

H.B. 912 (Committee Substitute), an act to amend Article 11 of Chapter 130A of the General Statutes regarding wastewater systems. (Ch. 285)

H.B. 593 (Senate Committee Substitute), an act to incorporate the Town of Bogue and concerning the Town of Chadwick Acres. (Ch. 286)

H.B. 739 (Senate Committee Substitute), an act to simplify the transfer of credit between North Carolina institutions of higher education. (Ch. 287)

H.B. 740, an act to facilitate the transfer of academic credit from community college programs to four-year college programs. (Ch. 288)

H.B. 767 (Senate Committee Substitute), an act encouraging the State Board of Education to make available information on gun safety programs for the State's elementary schools. (Ch. 289)

H.B. 851 (Senate Committee Substitute), an act to change some procedures with regard to surety bonds. (Ch. 290)

H.B. 907, an act to authorize the State and its political subdivisions to be subject to statutes of limitation and repose for certain civil actions. (Ch. 291)

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Commerce Committee:**

H.B. 825 (Committee Substitute), a bill to amend various statutes relating to the practice of funeral service, cremations, and funeral and burial trust funds, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 923 (Committee Substitute), a bill to provide that certain cities may allow pawnbrokers only with a special use permit, with a favorable report.

H.B. 970, a bill to permit employers to conduct on-site drug testing under certain circumstances, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills for concurrence which are read and disposed of, as follows:

S.B. 4 (House Committee Substitute), a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, June 20, upon second reading.

S.B. 414 (Committee Substitute), a bill to "opt-in" for interstate branching authority under the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 414** (House Committee Substitute No. 2), a bill to "opt-in" for interstate branching authority under the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, and to make a conforming change to the revenue laws, which is placed on the Calendar for tomorrow, Tuesday, June 20.

S.B. 682 (House Committee Substitute), a bill to provide for the appointment of standby guardians, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, June 20.

S.B. 724 (House Committee Substitute), a bill to describe circumstances under which an attorney-in-fact may make gifts, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, June 20.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 955
(Senate Committee Substitute)

House of Representatives
June 15, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the Speaker has appointed conferees on the part of the House for **HB 955**, A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITY BY AUTHORIZING THE CREATION AND FUNDING OF CHARTER SCHOOLS, WHICH ARE DEREGULATED SCHOOLS UNDER PUBLIC CONTROL, as follows:

Representative Wood,
Representative Eddins, and
Representative McMahan

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 459

House of Representatives
June 15, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **HB 459**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CANCELLATION OF A NOTE OR OTHER INDEBTEDNESS SECURED BY A DEED OF TRUST OR MORTGAGE BY EXECUTION OF A CERTIFICATE OF SATISFACTION. Pursuant to your message that your Honorable Body has adopted the report of the conferees, the Speaker has ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

EXECUTIVE ORDER

An Executive Order received (*See Appendix)* is presented to the Senate, read, and disposed of, as follows:

Executive Order Number 80, Amending the North Carolina Alliance for Competitive Technologies.

The Executive Order is ordered held in the Office of the Principal Clerk pending referral to committee.

RESOLUTION FROM ANOTHER STATE

The following resolution received on June 19, 1995, from another Legislative Body is presented to the Senate and is ordered filed in the Office of the Principal Clerk with the papers of the Senate. (*See Appendix*)

Alabama House Joint Resolution 72, reclaiming State sovereignty under the Tenth Amendment of the United States Constitution for the State of Alabama.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 676, a bill to authorize establishment of an Outer Banks Beautification District and provide for the levy and collection of property taxes in the District, subject to approval of the voters of the District, upon third reading.

The bill passes its third reading by roll–call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: Senator Page—1.

The bill is ordered enrolled.

H.B. 682 (Committee Substitute), a bill making further sundry amendments concerning local governments in Orange County, changing the title, upon concurrence, to read **H.B. 682** (Senate Committee Substitute), a bill making further sundry amendments concerning local governments in Orange and Chatham Counties, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: Senators Kincaid, McDaniel, and Page—3.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 469, a bill to change the manner of election of the Davidson County Board of Education from nonpartisan election at the time of the primary to nonpartisan election at the time of the general election.

The bill passes its second and third readings. Senator Conder requests to be recorded voting "no." Senator Kerr requests to be recorded voting "aye."

The bill is ordered enrolled.

H.B. 575 (Committee Substitute), a bill to remove the Town of Kernersville's local modifications to G.S. 58–84–35, formerly G.S. 118–7.

The Committee Substitute bill passes its second and third readings. Senator Kerr requests to be recorded voting "aye."

The Committee Substitute bill is ordered enrolled.

H.B. 690, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue weapon permits in Ashe County.

The bill passes its second and third readings. Senator Kerr requests to be recorded voting "aye."

The bill is ordered enrolled.

S.B. 981, a bill to amend the qualified investment tax credit to provide an incentive for investment in small North Carolina film production businesses, upon third reading.

The bill passes its third reading by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper,

Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—50.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee:**

H.B. 428, a bill to provide for training of treasurers of referendum committees, with a favorable report.

H.B. 552, a bill to close a loophole in the Minimum Housing Standards Act as it applies to large urban cities where the owner of substandard property can avoid orders to repair, remove, or demolish the unit by simply closing it, with a favorable report.

H.B. 844 (Committee Substitute), a bill to amend the vital records law, with a favorable report.

On motion of Senator Gulley, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 770 (Committee Substitute No. 2), a bill to authorize the creation of county service districts for law enforcement services and to change the requirements for creation of districts covering the entire unincorporated area of a county, with a favorable report, as amended.

With unanimous consent, the Chair places the Committee Substitute bill No. 2 before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

With unanimous consent, the Chair orders the measure, as amended, placed on the Calendar for Tuesday, June 20, for further consideration.

CALENDAR (Continued)

H.B. 239 (Committee Substitute), a bill to allow Currituck and Union Counties to acquire property for use by the County Board of Education, upon second reading.

Senator Kerr offers Amendment No. 1, changing the title, upon concurrence, to read **H.B. 239** (Committee Substitute), a bill to extend the authority of Currituck and Union Counties to acquire school property so that it applies beginning January 1, 1995, held to be material, which is adopted (49-0), constituting the first reading of the measure.

The Chair rules the Committee Substitute bill, as amended, a public bill.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Tuesday, June 20, for further consideration upon second reading.

S.B. 894 (Committee Substitute), a bill to restore the motor fuel tax exemption for fuel used in vehicles owned by a community college and to allow sanitary districts a refund of tax paid on motor fuel.

With unanimous consent, on motion of Senator Conder, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

H.B. 65 (Committee Substitute), a bill to require the display of the United States flag in every public school classroom, to encourage the display of the North Carolina flag in every public school classroom, to require students in the public schools to recite the pledge of allegiance every day, to encourage the display of the United States and North Carolina flags and the recitation of the pledge of allegiance in private schools and home schools, and to encourage donations of flags to be displayed in every public school classroom, changing the title, upon concurrence, to read **H.B. 65** (Senate Committee Substitute), a bill to encourage the display of the United States and North Carolina flags in public school classrooms, to encourage the recital of the Pledge of Allegiance in the public schools, to direct the State Board of Education to develop model guidelines for implementing this act, and to encourage donations of flags to be displayed in public school classrooms.

The Senate Committee Substitute bill passes its second (47–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 227 (Committee Substitute), a bill to codify the creation by the 1983 General Assembly of the Institute of Medicine.

The Committee Substitute bill passes its second (47–0) and third readings and is ordered enrolled.

H.B. 231, a bill to request the Supreme Court to adopt a plan to administer justice without delay in North Carolina trial courts.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (49–0) and third reading and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 280 (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen and to prohibit the discharge of pyrotechnics within one hundred feet of woodlands.

With unanimous consent, on motion of Senator Winner, consideration of the Committee Substitute bill is postponed until Tuesday, June 20.

H.B. 416, a bill to clarify that immunity from liability for agencies supervising community service work includes claims from persons working under a deferred prosecution agreement, persons on probation and persons on parole.

The bill passes its second reading (49–0).

Senator Ballance objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the bill placed on the Calendar for tomorrow, Tuesday, June 20, for further consideration upon third reading.

H.B. 463 (Committee Substitute), a bill to direct the Administrative Office of the Courts to investigate and report on the number of equitable distribution cases pending across the State and the reasons for delays in disposition of the cases.

With unanimous consent, on motion of Senator Cooper, consideration of the Committee Substitute bill is postponed until Tuesday, June 20.

H.B. 491 (Committee Substitute), a bill to provide for the reexamination by the Environmental Management Commission of the classification of certain water supply watersheds that meet the standards of more than one classification and to reclassify those watersheds accordingly.

The Committee Substitute bill passes its second (43–4) and third readings and is ordered enrolled.

H.B. 873, a bill to limit the substances that applicators of pesticides are authorized to apply and to provide for the pesticide applicator's license to be revoked, suspended, or denied for violating this limitation.

On motion of Senator Albertson, Committee Amendment No. 1 is adopted.

With unanimous consent, on motion of Senator Kincaid, further consideration of the bill, as amended, is postponed until Tuesday, June 20.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 955 (Senate Committee Substitute), a bill to increase educational opportunity by authorizing the creation and funding of charter schools, which are deregulated schools under public control, with a message from the House of Representatives requesting conferees received earlier today.

Senator Winner offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

CALENDAR (Continued)

H.B. 378, a bill to resolve possible conflict in laws regarding temporary management of long–term care facilities and State/county special assistance for adults, upon third reading.

The bill passes its third reading (49–0) and is ordered enrolled.

H.B. 386 (Committee Substitute), a bill to give priority to a local forensic examination of a defendant whose capacity to proceed to trial is questioned before a State evaluation is ordered and to modify the authority of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services to restrict the rights of clients at the Pretrial Evaluation Center at Dorothea Dix, upon third reading.

The Committee Substitute bill passes its third reading (50–0) and is ordered enrolled.

H.B. 831, a bill to allow area mental health authorities to use State funds for the use of more types of facilities and for facilities operated by governmental entities, upon third reading.

The bill passes its third reading (48–0) and is ordered enrolled.

H.B. 846, a bill to provide that State legislative and congressional redistricting plans may not divide precincts unless a plan has been rejected under Section 5 of the Voting Rights Act of 1965, and if so rejected, only the minimum number of precincts are divided in a subsequent plan as are required to obtain approval, upon third reading.

With unanimous consent, on motion of Senator Kerr, further consideration of the bill is postponed until Wednesday, June 21.

S.B. 300 (House Committee Substitute), a bill to authorize the Department of Commerce to pledge block grant funds as loan guarantees pursuant to the Housing and Community Development Act, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Webster, and Winner—48.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, June 20, for further consideration upon third reading.

S.B. 51 (House Committee Substitute), a bill to require a one-year suspension for any student who brings certain weapons onto school property and to allow the superintendent to modify the suspension for children with special needs or by providing an alternative school setting, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (49-1) and the measure is ordered enrolled.

S.B. 244 (House Committee Substitute), a bill to provide for the summary administration of an estate where a surviving spouse is the sole beneficiary of the estate, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled.

S.B. 1042 (House Committee Substitute), a bill to make various amendments regarding guaranteed energy savings contracts in order to enhance the viability of guaranteed energy savings contracts by local governmental units and to repeal the sunset for local governmental units to enter into these contracts, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (50-0) and the measure is ordered enrolled.

S.B. 1086, a bill to allow banks to make loans secured by shares of its own stock or that of its parent holding company under certain circumstances, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (48–2) and the measure is ordered enrolled.

PAGES

The President recognizes the following pages serving in the Senate this week:

Paul Atkins, Lincolnton; Meredith Anne Brill, Cary; Mark Connelly, Granite Falls; Rebecca Cox, Greenville; Benjamin Dennis Daniels, Deep Run; Pasha Khalil Davis, Charlotte; John Wyatt Dickson, Jr., Fayetteville; Katie Lee Felmet, Lillington; Stacy Lynn Ganus, Nakina; Andrea Hague, Leicester; Angela Hague, Leicester; Aaron W. Harris, Rocky Mount; Parr Vincent Henry, Concord; Miranda Grady Hill, Kinston; Benjamin Myers Jolly, Lexington; Crystal Yvonne Peebles, Raleigh; Sara M. Rowe, Hickory; Matthew Grant Smith, Dallas; Katie Swartzel, Raleigh; Michele Willis, Leasburg; Elizabeth Burns Wicker, Greensboro; and Alston Wilson, Greenville.

WITHDRAWAL FROM CALENDAR

H.B. 970, a bill to permit employers to conduct on–site drug testing under certain circumstances, placed earlier today on the Calendar for Tuesday, June 20.

Senator Parnell offers a motion the bill be taken from the Calendar for Tuesday, June 20, and re–referred to the **Judiciary II/Election Laws Committee**, which motions prevail with unanimous consent.

The Chair orders the bill taken from the Calendar for Tuesday, June 20, and re–refers the measure to the **Judiciary II/Election Laws Committee**.

On motion of Senator Basnight, seconded by Senator Albertson, the Senate adjourns at 5:09 P.M. to meet tomorrow, Tuesday, June 20, at 1:30 P.M.

EIGHTY–FOURTH DAY

SENATE CHAMBER,
Tuesday, June 20, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Lord God, in our very busy schedules, may we never fail to be aware of the glory of Your Creation around us; the first blossoms of the crepe myrtle in the heat of the summer; the fresh breeze that precedes a summer storm; the music of the birds; the laughter of children; and each other.

"Open our hearts to the grace and truth that surrounds and fills the hectic days of our lives. Remind us of how You made the commonplace uncommon.

"Then we shall be better prepared for the labors of our day. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, June 19, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Jonathan Hinson of Lexington, who is serving the Senate as Doctor of the Day.

REPORT OF COMMITTEE

Pursuant to Resolution 8 of the 1995 Session Laws, Senator Winner, Co–Chairman of the **Education/Higher Education Committee**, submits the following report:

TO: Members of the Senate

FROM: S/Senator Winner, Co–Chairman of **Senate Education/Higher Education Committee**

RE: State Board of Community Colleges Election

The Senate Committee on **Education/Higher Education** nominates the following individuals for election by the Senate for membership from the State at–large to a six–year term, beginning July 1, 1995, on the State Board of Community Colleges:

Mr. James J. Woody, Jr.
Roxboro, North Carolina

Ms. Janet Pope Puryear
Raleigh, North Carolina

There were two original nominees to fill the position held by Mr. James J. Woody, Jr. Mr. Woody was nominated for a second term and is eligible to be re–elected.

No additional nominations may be received from the floor.

ELECTION OF MEMBER TO THE STATE BOARD OF COMMUNITY COLLEGES

The **Education/Higher Education Committee** places in nomination the names of James J. Woody, Jr. and Janet Pope Puryear.

The President of the Senate outlines the procedures to be followed and announces pursuant to G.S. 115D–2.1(b)(4)f., no further nominations shall be received.

With unanimous consent, on motion of Senator Basnight, the remarks of the Senators speaking to the nominations are spread upon the Journal, as follows:

By Senator Gulley:

"Mr. President, ladies and gentlemen, and colleagues. I rise to say a word or two on behalf of James Woody, who I was honored to be a part of putting his name before us. And I want you to know that James Woody is a life-long resident of Person County in the district that Senator Lucas and I and Senator Webster represent together, and a resident of Roxboro.

"He is Human Resource Director for Chandler Concrete in Burlington. I thought it was important to note that his wife is a public school teacher, has been, and that his mother was a public school teacher as well. James has served on the State Board of Community Colleges for the past six years, for one term. During that time he's only missed one meeting. It's interesting that his attendance was so regular that the one meeting that he was ill in his home in bed, they called him to see what was wrong and why he had missed the meeting. He has given that kind of devoted and loyal service to the State Board.

"He serves as Chair of the Program Services Committee for the Board of Community Colleges and he also serves as Chair of the Teaching and Excellence Committee, and I think has shown by actions not by words that he is dedicated to our community college system to having them run well and achieve excellence. And I heartily recommend to you James Woody as our nominee to the State Board of Community Colleges. Thank you, Mr. President."

By Senator Foxx:

"I would like to commend to the Senators here the nomination of Mr. Woody also. As the Community College President for seven years I had the opportunity to work with him and other members of the Board. I have found him to be a very thoughtful, fair and good person, and I think his willingness to continue to serve is a good omen for the community college system."

By Senator Rand:

"Mr. President, ladies and gentlemen of the Senate. It has been my pleasure, of course, to know James Woody, but it also has been my pleasure to know his son, James III, who has been here a number of times as a page, and had the great pleasure to fly around the State with us on this Submerged Land Study Commission. We were in a old DC-3 and we fluttered and flipped around the coast of North Carolina. He survived that, so I know his Dad is a good man. I appreciate your support."

By Senator Soles:

"Mr. President, ladies and gentleman of the Senate. I think it is incumbent upon me to say just a word because you may think I've got a little conflict of interest here. The nominee, Mr. Woody, is my brother-in-law and I very much want to see him re-elected. As we left the Chamber on the evening of the nominations closing, Senator Winner came to me and brought to my attention that she thought the statutes said there had to be two nominees and there was only one nominated. So, there was about ten minutes left before the nominations would be closed and we interpreted the law as saying there had to be two, so I hastily nominated my secretary, Janet Puryear. That's how her name is on there. Janet is a very fine person. She could very well serve in the Board of Community Colleges, but I'm authorized by her to say that she would encourage you to vote

for James Woody.(Laughter) James is an outstanding man; he has worked hard; he is a good person and I encourage you to vote for Mr. Woody. Thank you."

The President orders the Clerk to call the roll and directs the members to respond by stating the name of the individual for whom a vote is cast.

Those voting for James J. Woody, Jr. are as follows: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Those voting for Janet Pope Puryear are as follows: None.

In compliance with G.S. 115D–2.1(b)(4)f., Senator Winner offers a motion to the end James J. Woody, Jr. as chosen by the Senate be elected by an electronically recorded vote for a six–year term beginning July 1, 1995, and expiring June 30, 2001, which motion prevails by roll–call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—50.

Voting in the negative: None.

The President declares Mr. James J. Woody, Jr. elected to the State Board of Community Colleges and orders a message sent to the House of Representatives informing that Honorable Body of such action.

The President recognizes James J. Woody, Jr. and extends courtesies of the gallery and congratulations to him.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 459, an act to provide for the cancellation of a note or other indebtedness secured by a deed of trust or mortgage by execution of a certificate of satisfaction. (Ch. 292)

S.B. 51 (House Committee Substitute), an act to require a one–year suspension for any student who brings certain weapons onto school property and to allow the superintendent to modify the suspension for children with special needs or by providing an alternative school setting. (Ch. 293)

S.B. 244 (House Committee Substitute), an act to provide for the summary administration of an estate where a surviving spouse is the sole beneficiary of the estate, as recommended by the General Statutes Commission. (Ch. 294)

S.B. 1042 (House Committee Substitute), an act to make various amendments regarding guaranteed energy savings contracts in order to enhance the viability of

guaranteed energy savings contracts by local governmental units and to repeal the sunset for local governmental units to enter into these contracts. (Ch. 295)

S.B. 1086, an act to allow banks to make loans secured by shares of its own stock or that of its parent holding company under certain circumstances. (Ch. 296)

H.B. 227 (Committee Substitute), an act to codify the creation by the 1983 General Assembly of the Institute of Medicine. (Ch. 297)

H.B. 378, an act to resolve possible conflict in laws regarding temporary management of long–term care facilities and State/county special assistance for adults. (Ch. 298)

H.B. 386 (Committee Substitute), an act to give priority to a local forensic examination of a defendant whose capacity to proceed to trial is questioned before a State evaluation is ordered and to modify the authority of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services to restrict the rights of clients at the Pretrial Evaluation Center at Dorothea Dix. (Ch. 299)

H.B. 469, an act to change the manner of election of the Davidson County Board of Education from nonpartisan election at the time of the primary to nonpartisan election at the time of the general election. (Ch. 300)

H.B. 491 (Committee Substitute), an act to provide for the reexamination by the Environmental Management Commission of the classification of certain water supply watersheds that meet the standards of more than one classification and to reclassify those watersheds accordingly. (Ch. 301)

H.B. 575 (Committee Substitute), an act to remove the Town of Kernersville's local modifications to G.S. 58–84–35, formerly G.S. 118–7. (Ch. 302)

H.B. 676, an act to authorize establishment of an Outer Banks Beautification District and provide for the levy and collection of property taxes in the District, subject to approval of the voters of the District. (Ch. 303)

H.B. 690, an act to amend Chapter 1073 of the 1959 Session Laws to provide that the sheriff issue weapon permits in Ashe County. (Ch. 304)

H.B. 831, an act to allow area mental health authorities to use State funds for the use of more types of facilities and for facilities operated by governmental entities. (Ch. 305)

S.B. 543 (Committee Substitute), an act to provide that sworn and certified jailers and telecommunicators employed by the Catawba County Sheriff's Department are eligible to receive the benefits afforded to law enforcement officers through the Local Governmental Employees' Retirement System. (Ch. 306)

S.B. 568, an act to provide that the Davie County Board of Education shall take office on the first Monday in July following their election. (Ch. 307)

H.B. 127 (Senate Committee Substitute), an act to limit the liability of landowners to members of the public entering the land for educational and recreational purposes. (Ch. 308)

H.B. 730 (Senate Committee Substitute), an act to prevent frivolous medical malpractice actions by requiring that expert witnesses in medical malpractice cases have appropriate qualifications to testify on the standard of care at issue and to require expert witness review as a condition of filing a medical malpractice action. (Ch. 309)

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 113, a bill to regulate public access to and use of criminal justice records, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 5169 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, June 21, for further consideration.

H.B. 905 (Committee Substitute), a bill to clarify the civil remedies available for returned checks, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 8206 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, June 21, for further consideration.

H.B. 81, a bill to require mandatory active jail sentences for persons convicted of driving while impaired with blood alcohol levels of more than fifteen hundredths percent, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 2183, which changes the title, upon concurrence to read **H.B. 81** (Senate Committee Substitute), a bill to require mandatory active jail sentences for persons convicted on driving while impaired with blood alcohol levels of more than fifteen hundredths percent, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

H.B. 192 (Committee Substitute), a bill to create the Joint Legislative Administrative Procedure Oversight Committee, to strengthen the authority of the Rules

Review Commission, and to make proposed administrative rules effective at the end of the legislative session, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 5168, which changes the title, upon concurrence, to read **H.B. 192** (Senate Committee Substitute), a bill to create the Joint Legislative Administrative Procedure Oversight Committee, to strengthen the authority of the Rules Review Commission, and to make proposed administrative rules effective after the legislature has had time to act to disapprove the rule but not later than the end of the legislative session, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Wednesday, June 21, for further consideration.

H.B. 496 (Committee Substitute), a bill to create an offense of communicating threats to a school bus driver and assaulting a school bus driver and other school personnel, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 4181, which changes the title, upon concurrence, to read **H.B. 496** (Senate Committee Substitute), a bill to create an offense of assaulting a school bus driver and other school personnel boarding or on a school bus, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 21, for further consideration.

H.B. 762, a bill to remove the requirement that depositions recorded by sound–and–visual means must be transcribed and to provide that, instead of a transcription, the recording may be reviewed by the deponent and may be used as the court's copy of the deposition, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 8207 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, June 21, for further consideration.

H.B. 473 (Senate Committee Substitute), a bill to make procedural changes and technical corrections to the North Carolina Limited Liability Company Act, to allow retroactive indemnification of a manager or member of a limited liability company, to extend the usury exemption to limited liability companies and partnerships, and amend the Professional Corporation Act, with an unfavorable report as to Senate Committee Substitute bill No. 1 as written by the **Judiciary I/ Constitution Committee**, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, 7232, which changes the title, upon concurrence, to read **H.B. 473** (Senate Committee Substitute No. 2), a bill to make procedural

changes and technical corrections to the North Carolina Limited Liability Company Act, to allow retroactive indemnification of a manager or member of a limited liability company, to extend the usury exemption to limited liability companies and partnerships, to amend the Professional Corporation Act, and to make conforming changes to the real estate license law, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Wednesday, June 21, for further consideration.

H.B. 353 (Committee Substitute), a bill to implement the recommendations of the Governor's Task Force on Driving While Impaired, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 5170 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, June 21, for further consideration.

S.B. 214, a bill to require a fiscal note for all proposed rules that have a substantial economic impact and to appropriate funds to implement this requirement, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 6638, which changes the title to read **S.B. 214** (Committee Substitute), a bill to require a fiscal note for all proposed rules that have a substantial economic impact, to appropriate funds to implement this requirement, and to require agencies to begin the process of adopting a permanent rule by publishing a notice of rule-making proceedings rather than by publishing the proposed text of a rule change, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted, and on his further motion, is re-referred to the **Appropriations Committee.**

CALENDAR

H.B. 848 (Committee Substitute), a bill to require notice to and consultation with the minor's legally responsible person before discharge from treatment of mental illness or substance abuse, on today's Calendar.

With unanimous consent, on motion of Senator Rand, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the Committee Substitute bill is postponed until Monday, June 26.

WITHDRAWAL FROM CALENDAR

H.B. 85 (Committee Substitute), a bill to provide that nonprofit barber schools have one instructor for every twenty students, on the Calendar for Wednesday, June 21.

Senator Lucas offers a motion the Committee Substitute bill be taken from the Calendar for Wednesday, June 21, and recommitted to the **Children and Human Resources Committee**, which motions prevail, with unanimous consent.

The Chair orders the Committee Substitute bill taken from the Calendar for Wednesday, June 21, and recommits the measure to the **Children and Human Resources Committee.**

COMMITTEE REFERRAL RECALL

S.B. 1044, a bill to save the State of North Carolina the cost of vaccines and the administration of vaccines where insurance coverage is provided, referred to **Children and Human Resources Committee** on May 4.

Pursuant to Rule 47(b), Senator Lucas offers a motion the bill be taken from the **Children and Human Resources Committee** and re-referred to **Appropriations Committee,** which motions prevail, with unanimous consent.

The Chair orders the bill recalled from the **Children and Human Resources Committee** and refers the measure to the **Appropriations Committee.**

CALENDAR

H.B. 923 (Committee Substitute), a bill to provide that certain cities may allow pawnbrokers only with a special use permit, on today's Calendar.

With unanimous consent, on motion of Senator McKoy, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the Committee Substitute bill is postponed until Wednesday, June 21.

H.B. 873, a bill to limit the substances that applicators of pesticides are authorized to apply and to provide for the pesticide applicator's license to be revoked, suspended, or denied for violating this limitation, as amended, on today's Calendar.

With unanimous consent, on motion of Senator Albertson, the bill, as amended, is taken up out of its regular order of business, and on his further motion, consideration of the bill, as amended, is postponed until Wednesday, June 21.

The President extends courtesies of the gallery to Senator Don Balfour, Minority Caucus Leader of the Georgia State Senate.

CONFERENCE REPORT

H.B. 330 (Senate Committee Substitute)

Senator Dannelly for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 330** (Committee Substitute), a bill to authorize the City of Winston-Salem, the City of Gastonia, and the City of Fayetteville to require owners of rental property in those Cities to authorize an agent to accept service of process, and to clarify the authority of the Cities of Durham and Asheville to do the same, which Senate Committee Substitute bill proposes to change the title, upon concurrence, to read **H.B. 330** (Senate Committee Substitute), a bill to authorize the City of Winston-Salem and the City of Gastonia to require owners of rental property in those Cities to authorize an agent to accept service of process, and to clarify the authority of the Cities of Durham and Asheville to do the same, submits for adoption the following report, which proposes to further change the title, upon adoption to read **H.B. 330** (Senate

Committee Substitute), a bill to authorize the City of Winston-Salem, the City of Gastonia, and the City of Fayetteville to require owners of rental property in those Cities to authorize an agent to accept service of process, and to clarify the authority of the Cities of Durham and Asheville to do the same.

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 330, AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM AND THE CITY OF GASTONIA TO REQUIRE OWNERS OF RENTAL PROPERTY IN THOSE CITIES TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS, AND TO CLARIFY THE AUTHORITY OF THE CITIES OF DURHAM AND ASHEVILLE TO DO THE SAME, Senate Local Government and Regional Affairs Committee Substitute Adopted 4/13/95, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate Local Government and Regional Affairs Committee Substitute Adopted 4/13/95 and the House concurs in the Senate Committee Substitute as amended:

on page 1, lines 2 and 3,
by rewriting those lines to read:

"AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM, THE CITY OF GASTONIA, AND THE CITY OF FAYETTEVILLE TO REQUIRE OWNERS OF RENTAL PROPERTY IN THOSE"; and

on page 1, line 19, by deleting "Board of Aldermen" and substituting "City Council"; and

on page 2, between lines 34 and 35, by adding the following:

"Sec. 4.1. The City Council for the City of Fayetteville may, by ordinance, require that each owner of rental property within the city authorize a person residing in Cumberland County to serve as the owner's agent for the purpose of accepting service of process in an action involving a violation of an ordinance adopted under Parts 5 or 6 of Article 19 of Chapter 160A of the General Statutes. The owner shall provide, on a form supplied by the Housing Services Department, the authorized agent's name, address, and phone number, and shall notify the Housing Services Department of any changes in the information provided not less than 10 days after such changes occur. Nothing in this section shall require an owner to designate an agent to accept service of process where the owner of the rental property resides within Cumberland County.".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 14, 1995.

S/C. S. Dannelly
S/Hamilton C. Horton, Jr.
S/David Hoyle

Conferees for the Senate

S/W. Dickson
S/Michael Decker
S/John W. Hurley

Conferees for the House of Representatives

Senator McDaniel offers a motion consideration of the Conference Report be postponed until Wednesday, June 21.

Senator Rand offers a substitute motion to the end the Conference Report be temporarily displaced, with the motion to postpone to June 21 pending, which motion prevails with unanimous consent.

The Chair orders the Conference Report temporarily displaced.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 563
(Committee Substitute)

House of Representatives
June 19, 1995

Mr. President:

Pursuant to your message of June 12, 1995, the House is returning Committee Substitute for **SB 563**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY INTO THE CORPORATE LIMITS OF THE TOWN OF CORNELIUS AND TO CLARIFY THE ZONING JURISDICTION OF THE TOWN OF HUNTERSVILLE, for further consideration by the Senate.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Senator Odom offers a motion that the rules be suspended to the end the Committee Substitute bill be placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails.

Senator Odom offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails, and the question becomes the passage of the Committee Substitute bill upon third reading.

On motion of Senator Odom, without objection, the Committee Substitute bill is placed at the end of today's Calendar upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

House of Representatives
June 20, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to G.S. 126–2, the House has confirmed Mr. Allen Wellons and

Mr. George Allison to serve on the State Personnel Commission. Their terms will begin on July 1, 1995 and expire on June 30, 2001.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 6 House of Representatives
(Senate Committee Substitute) June 19, 1995

Mr. President:

On June 12, 1995, your Honorable Body was notified that the House failed to concur in Senate Committee Substitute to **HB 6**, A BILL TO BE ENTITLED AN ACT TO GRANT ADDITIONAL MANAGEMENT FLEXIBILITY TO LOCAL BOARDS OF EDUCATION, TO ENSURE THAT LOCAL BOARDS OF EDUCATION ARE HELD ACCOUNTABLE FOR THE USE OF THAT FLEXIBILITY, TO ASSESS THE RELATIONSHIP BETWEEN EXPENDITURES FOR PUBLIC SCHOOLS AND STUDENT PERFORMANCE, AND TO MAKE CONFORMING STATUTORY CHANGES. The Speaker has appointed as conferees on the part of the House,

Representative Preston, Chair;
Representative Dockham,
Representative Grady, and
Representative Barnes

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 330 House of Representatives
(Senate Committee Substitute) June 19, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **HB 330**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM, THE CITY OF GASTONIA, AND THE CITY OF FAYETTEVILLE TO REQUIRE OWNERS OF RENTAL PROPERTY IN THOSE CITIES TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS, AND TO CLARIFY THE AUTHORITY OF THE CITIES OF DURHAM AND ASHEVILLE TO DO THE SAME, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills and resolutions which are read the first time and disposed of, as follows:

S.B. 1078, a bill to authorize local boards of education to have materials posted to educate students about the moral, ethical, and virtuous principles of the world's religions and the great philosophers of civilization, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence to read **S.B. 1078** (House Committee Substitute), a bill to require the public schools to provide instruction in character education, which is placed on the Calendar for tomorrow, Wednesday, June 21.

S.J.R. 1096 (House Committee Substitute), a joint resolution honoring the life and memory of Mary Frances Powell Seymour, former member of the General Assembly, for concurrence in the House Committee Substitute joint resolution, which is placed on the Calendar for tomorrow, Wednesday, June 21.

H.J.R. 1056 (Committee Substitute), a joint resolution honoring the memory of Chiang, Ching-Kuo, late President of the Republic of China on Taiwan, and supporting the Republic of China on Taiwan's participation in the United Nations and other international forums such as multilateral trade associations and humanitarian relief organizations.

Referred to **Rules and Operation of the Senate Committee**.

REPORT TO GENERAL ASSEMBLY

Agencies directed to report to the General Assembly submit a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

The North Carolina Department of Revenue, along with the Office of the State Controller, and the Office of State Budget and Management, submit the *State of North Carolina Summary of Financial Condition, May 31, 1995*.

CONFERENCE REPORT

H.B. 330 (Committee Substitute), a bill to authorize the City of Winston-Salem, the City of Gastonia, and the City of Fayetteville to require owners of rental property in those Cities to authorize an agent to accept service of process, and to clarify the authority of the Cities of Durham and Asheville to do the same, which Senate Committee Substitute bill proposes to change the title, upon concurrence, to read **H.B. 330** (Senate Committee Substitute), a bill to authorize the City of Winston-Salem and the City of Gastonia to require owners of rental property in those Cities to authorize an agent to accept service of process, and to clarify the authority of the Cities of Durham and Asheville to do the same, and which Conference Report proposes to further change the title to read **H.B. 330** (Senate Committee Substitute), a bill to authorize the City of Winston-Salem, the City of Gastonia, and the City of Fayetteville to require owners of rental property in those Cities to authorize an agent to accept service of process, and to clarify the

authority of the Cities of Durham and Asheville to do the same, Conference Report, for adoption, temporarily displaced earlier, with a motion to postpone consideration until June 21 pending.

With unanimous consent, Senator McDaniel withdraws his motion to postpone consideration of the Conference Report until Wednesday, June 21.

On motion of Senator Dannelly, the Conference Report is adopted (49–0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 239 (Committee Substitute), a bill to extend the authority of Currituck and Union Counties to acquire school property so that it applies beginning January 1, 1995, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, and Warren—47.

Voting in the negative: Senators Webster and Winner—2.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, June 21, for further consideration upon third reading.

H.B. 770 (Committee Substitute No. 2), a bill to authorize the creation of county service districts for law enforcement services and to change the requirements for creation of districts covering the entire unincorporated area of a county, as amended, upon second reading.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll–call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, June 21, for further consideration upon third reading.

S.B. 1078, a bill to authorize local boards of education to have materials posted to educate students about the moral, ethical, ad virtuous principles of the world's religions and the great philosophers of civilization, received earlier today for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1078** (House Committee Substitute), a bill to require the

public schools to provide instruction in character education, placed on the Calendar for Wednesday, June 21.

With unanimous consent, on motion of Senator Odom, the Senate reconsiders and the House Committee Substitute bill is taken from the Calendar for Wednesday, June 21, and placed before the Senate for immediate consideration, upon concurrence.

Following debate, on motion of Senator Odom, further consideration of the House Committee Substitute bill is postponed until Wednesday, June 21.

H.B. 280 (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen and to prohibit the discharge of pyrotechnics within one hundred feet of woodlands.

With unanimous consent, on motion of Senator Winner, consideration of the Committee Substitute bill is postponed until Thursday, June 22.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 6 (Senate Committee Substitute), a bill to grant additional management flexibility to local boards of education, to ensure that local boards of education are held accountable for the use of that flexibility, to assess the relationship between expenditures for public schools and student performance, and to make conforming statutory changes, with a message received from the House of Representatives requesting conferees earlier today.

Pursuant to the message from the House of Representatives requesting conferees, Senator Winner offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

CALENDAR (Continued)

H.B. 428, a bill to provide for training of treasurers of referendum committees.

The bill passes its second (48–0) and third readings and is ordered enrolled.

H.B. 463 (Committee Substitute), a bill to direct the Administrative Office of the Courts to investigate and report on the number of equitable distribution cases pending across the State and the reasons for delays in disposition of the cases.

The Committee Substitute bill passes its second (49–0) and third readings and is ordered enrolled.

H.B. 552, a bill to close a loophole in the Minimum Housing Standards Act as it applies to large urban cities where the owner of substandard property can avoid orders to repair, remove, or demolish the unit by simply closing it.

With unanimous consent, on motion of Senator Martin of Guilford, consideration of the bill is postponed until Wednesday, June 21.

S.B. 1049 (Committee Substitute), a bill to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same

investment and to limit credits for investments in certain investment businesses, upon third reading.

Senator Sherron offers Amendment No. 1.

On motion of Senator Gulley, the Chair orders, without objection, the Committee Substitute bill temporarily displaced, with Amendment No. 1 pending.

Senator Basnight, President Pro Tempore relinquishes the gavel to the President of the Senate, Lt. Governor Wicker, who presides.

H.B. 416, a bill to clarify that immunity from liability for agencies supervising community service work includes claims from persons working under a deferred prosecution agreement, persons on probation and persons on parole, upon third reading.

With unanimous consent, on motion of Senator Cooper, further consideration of the bill is postponed until Thursday, June 22.

S.B. 300 (House Committee Substitute), a bill to authorize the Department of Commerce to pledge block grant funds as loan guarantees pursuant to the Housing and Community Development Act, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 48, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Smith, Soles, Speed, Warren, and Winner—48.

Voting in the negative: Senators Simpson and Webster—2.

The House Committee Substitute bill is ordered enrolled.

S.B. 4 (House Committee Substitute), a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, for concurrence in the House Committee Substitute bill, upon second reading.

Receiving a three-fifths affirmative majority vote, the Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, June 21, for further consideration upon third reading.

S.B. 379, a bill recommended by the Legislative Research Commission's Study Committee on the Juvenile Code to allow courts to order psychiatric or psychological treatment of parents of juveniles adjudicated delinquent, undisciplined, abused, neglected, or dependent at the dispositional hearings or subsequent hearings and to provide for notice, for concurrence in House Amendment No. 1.

With unanimous consent, on motion of Senator Cooper, further consideration of the bill is postponed until Thursday, June 22.

ASSESSMENT REPORT

S.B. 998, a bill regulating the practice of bodywork therapies, referred to the **Children and Human Resources Committee** on May 4.

Senator Hoyle submits an Assessment Report from the Legislative Committee on New Licensing Boards on Body Work Therapists.

The Chair orders the Report attached to the jacket with the original bill.

CALENDAR (Continued)

S.B. 414 (Committee Substitute), a bill to "opt–in" for interstate branching authority under the Riegle–Neal Interstate Banking and Branching Efficiency Act of 1994, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 414** (House Committee Substitute No. 2), a bill to "opt–in" for interstate branching authority under the Riegle–Neal Interstate Banking and Branching Efficiency Act of 1994, and to make a conforming change to the revenue laws.

Senator Shaw inquires as to a fiscal note attached to the measure.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 682 (House Committee Substitute), a bill to provide for the appointment of standby guardians, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (50–0) and the measure is ordered enrolled.

S.B. 724 (House Committee Substitute), a bill to describe circumstances under which an attorney–in–fact may make gifts, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (1–47).

Senator Hartsell offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 6 (Senate Committee Substitute), a bill to grant additional management flexibility to local boards of education, to ensure that local boards of education are

held accountable for the use of that flexibility, to assess the relationship between expenditures for public schools and student performance, and to make conforming statutory changes, with the motion of Senator Winner, prevailing earlier today that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Winner, Chairman, and Senators Cooper, and Simpson as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 84 (House Committee Substitute), a bill to place time limits on options in gross and other interests in land, as recommended by the General Statutes Commission, with the motion of Senator Hartsell, prevailing on June 12, that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Hartsell, Horton, Gulley, Plexico, and Ballance as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 955 (Senate Committee Substitute), a bill to increase educational opportunity by authorizing the creation and funding of charter schools, which are deregulated schools under public control, with the motion of Senator Winner prevailing on June 19 that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Gulley, Hartsell, Plexico, and Winner as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 204, a bill authorizing nonresident taxpayers to claim the tax credit for child care and certain employment–related expenses, with a favorable report.

S.B. 396 (Committee Substitute), a bill to encourage regulated arrangements among physicians when the arrangement will help control costs, improve access, improve quality, or implement mandated health care reforms, as written by the **Judiciary II/Election Laws Committee**, with a favorable report.

S.B. 528 (Committee Substitute), a bill to establish the mediated settlement conferences in civil actions in superior court, as written by the **Judiciary I/Constitution Committee**, with a favorable report, as amended.

H.B. 994 (Committee Substitute), a bill to implement the recommendations of the Committee on Appropriations by changing various revenue statutes, with an

unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill 4173 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

On motion of Senator Sherron, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, June 21, for further consideration upon second reading.

CALENDAR (Continued)

S.B. 1049 (Committee Substitute), a bill to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and to limit credits for investments in certain investment businesses, upon third reading, temporarily displaced earlier, with Amendment No. 1 pending.

Amendment No. 1 offered by Senator Sherron is adopted (47–2).

The Committee Substitute bill, as amended, passes its third reading (47–1) and is ordered engrossed and sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 20, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to G.S. 115D–2.1(b)(4)f, the House has confirmed Mr. Thomas C. King, Jr. to serve on the State Board of Community Colleges for a six–year term beginning on July 1, 1995.

Respectfully,
S/Denise G. Weeks
Principal Clerk

CALENDAR (Continued)

S.B. 563 (Committee Substitute), a bill to annex certain described property into the corporate limits of the Town of Cornelius and to clarify the zoning jurisdiction of the Town of Huntersville, placed earlier today at the end of today's Calendar, upon third reading.

Senator Odom offers Amendment No. 1, held not to be material, which is adopted (48–1).

The Committee Substitute bill, as amended, passes its third reading (46–4) and is ordered engrossed and, without objection, sent to the House of Representatives by special messenger.

S.B. 414 (Committee Substitute), a bill to "opt–in" for interstate branching authority under the Riegle–Neal Interstate Banking and Branching Efficiency Act of 1994, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 414** (House Committee Substitute No. 2), a bill to "opt–in" for interstate branching authority under the Riegle–Neal Interstate Banking and Branching Efficiency Act of 1994, and to make a conforming change to the revenue laws, temporarily displaced earlier.

The Chair announces no fiscal note attached to the House Committee Substitute bill No. 2.

With unanimous consent, on motion of Senator Shaw, further consideration of the House Committee Substitute bill No. 2 is postponed until Wednesday, June 21.

On motion of Senator Basnight, seconded by Senator Dannelly, the Senate adjourns at 3:22 P.M. to meet tomorrow, Wednesday, June 21, at 11:00 A.M.

EIGHTY–FIFTH DAY

SENATE CHAMBER,
Wednesday, June 21, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Paul L. Leeland, the Pastor of St. Luke United Methodist Church in Sanford, as follows:

"Almighty God, we gather this day as leaders and stewards of the people of North Carolina, that we might provide counsel and guidance while acknowledging that God alone gives wisdom and understanding. Inspire the members of this Body with vision of truth and justice, that by their counsel the people of our State may work together in unity and peace. This we pray in Your Most Holy Name. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Dannelly for a portion of today's Session to present a bill under his sponsorship to a committee of the House of Representatives.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, June 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Claudia Weaver of Ahoskie, who is serving the Senate as Doctor of the Day. The Chair recognizes the fact Dr. Weaver served in years past as a Senate Page.

The President of the Senate introduces his son, Jackson, whom he designates his Honorary Page for the day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 300 (House Committee Substitute), an act to authorize the Department of Commerce to pledge block grant funds as loan guarantees pursuant to the Housing and Community Development Act. (Ch. 310)

S.B. 632, an act to amend the vital records law. (Ch. 311)

S.B. 651, an act to require the permanent identification of a dead body. (Ch. 312)

S.B. 682 (House Committee Substitute), an act to provide for the appointment of standby guardians. (Ch. 313)

H.B. 337 (Senate Committee Substitute), an act to provide for controlled access community fishing licenses in Transylvania County. (Ch. 314)

H.B. 428, an act to provide for training of treasurers of referendum committees. (Ch. 315)

H.B. 463 (Committee Substitute), an act to direct the Administrative Office of the Courts to investigate and report on the number of equitable distribution cases pending across the State and the reasons for delays in disposition of the cases. (Ch. 316)

S.B. 308, an act to amend the law regarding Medicaid fraud. (Ch. 317)

S.B. 342 (Committee Substitute), an act to improve insurance company financial matters by adopting standards for assumption reinsurance, material transactions, and property and casualty insurer capital. (Ch. 318)

H.B. 270 (Committee Substitute), an act to make changes in the laws pertaining to alimony. (Ch. 319)

H.B. 330 (Senate Committee Substitute), an act to authorize the City of Winston-Salem, the City of Gastonia, and the City of Fayetteville to require owners of rental property in those Cities to authorize an agent to accept service of process, and to clarify the authority of the Cities of Durham and Asheville to do the same. (Ch. 320)

H.B. 798 (Senate Committee Substitute), an act to repeal certain requirements pertaining to materials used in conjunction with food consumption. (Ch. 321)

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Jordan for the **Local Government and Regional Affairs Committee**:

H.B. 661, a bill to change the method of filling a vacancy on the Halifax County Board of Education, as written by the **Local Government and Regional Affairs Committee**, and changing the title, upon concurrence, to read **H.B. 661** (Senate Committee Substitute), a bill to fill the vacancy on the Halifax County Board of Education, with a favorable report.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 84
(House Committee Substitute)

House of Representatives
June 20, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **SB 84**, A BILL TO BE ENTITLED AN ACT TO PLACE TIME LIMITS ON OPTIONS IN GROSS AND OTHER INTERESTS IN LAND, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, the Speaker has appointed as conferees on the part of the House,

Representative Culpepper,
Representative Neely,
Representative Cansler, and
Representative Kiser

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 645
(Senate Committee Substitute)

House of Representatives
June 20, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute for **HB 645**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS MAY REGULATE THE POSSESSION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY AND THE POSSESSION OF ALCOHOLIC BEVERAGES ON PUBLIC STREETS, ALLEYS, OR PARKING LOTS WHICH ARE TEMPORARILY CLOSED TO REGULAR TRAFFIC FOR SPECIAL EVENTS, which proposes to change the title, upon concurrence to read, Senate Committee Substitute for **HB 645**, A BILL TO BE

ENTITLED AN ACT TO MAKE STATEWIDE A LOCAL ACT PROVIDING THAT LOCAL GOVERNMENTS MAY REGULATE THE POSSESSION OF OPEN CONTAINERS OF MALT BEVERAGES AND UNFORTIFIED WINE ON PUBLIC PROPERTY AND THE POSSESSION OF MALT BEVERAGES AND UNFORTIFIED WINE ON PUBLIC STREETS, ALLEYS, OR PARKING LOTS WHICH ARE TEMPORARILY CLOSED TO REGULAR TRAFFIC FOR SPECIAL EVENTS, AND FURTHER DEFINING PUBLIC PROPERTY AND OPEN CONTAINER. The Speaker has appointed as conferees on the part of the House,

Representative Wright, Chair;
Representative Neely, and
Representative G. Robinson

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 119 (Committee Substitute), a bill to provide qualified immunity to professional engineers who voluntarily provide engineering services during a declared emergency or disaster without compensation, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 119** (House Committee Substitute), a bill to provide qualified immunity to professional engineers and architects who voluntarily provide engineering services during a declared emergency or disaster without compensation, which is placed on the Calendar for tomorrow, Thursday, June 22.

S.B. 496, a bill to allow local governments to forgo collection of ad valorem tax bills when the original principal amount due is under five dollars, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, June 22.

H.B. 537 (Committee Substitute No. 2), a bill to allow Gaston County to acquire and otherwise make available property for use by the board of trustees of a community college within the county.

The Committee Substitute bill is held ineligible for consideration pursuant to Rule 41 and the Chair orders the measure held in the Office of the Principal Clerk.

H.B. 585 (Committee Substitute No. 2), a bill to make failure to disclose that the air bags have not been replaced on a motor vehicle a misdemeanor.

Referred to **Finance Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 568, a bill to clarify and improve sanctions for willful failure to disclose prior damage to a motor vehicle, on today's Calendar.

With unanimous consent, on motion of Senator Plyler, the bill is taken up out of its regular order of business and on his further motion the bill is re-referred to **Appropriations Committee**.

H.B. 873, a bill to limit the substances that applicators of pesticides are authorized to apply and to provide for the pesticide applicator's license to be revoked, suspended, or denied for violating this limitation, as amended, on today's Calendar.

With unanimous consent, on motion of Senator Albertson, the bill, as amended, is taken up out of its regular order of business and on his further motion, consideration of the bill, as amended, is postponed until Monday, June 26.

H.B. 239 (Committee Substitute), a bill to allow Currituck and Union Counties to acquire property for use by the County Board of Education, as amended, changing the title, upon concurrence, to read **H.B. 239** (Committee Substitute), a bill to extend the authority of Currituck and Union Counties to acquire school property so that it applies beginning January 1, 1995, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Davis, East, Edwards, Forrester, Foxx, Gulley, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Smith, Speed, Warren, and Winner—44.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 770 (Committee Substitute No. 2), a bill to authorize the creation of county service districts for law enforcement services and to change the requirements for creation of districts covering the entire unincorporated area of a county, as amended, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Davis, East, Edwards, Forrester, Foxx, Gulley, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Rand, Sawyer, Shaw, Sherron, Smith, Speed, Warren, Webster, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 994 (Senate Committee Substitute), a bill to implement the recommendations of the Committee on Appropriations by changing various revenue statutes, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Davis, East, Edwards, Forrester, Foxx, Gulley, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, June 22, for further consideration upon third reading.

S.B. 180 (Committee Substitute), a bill to increase the minimum payment due to the Employment Security Commission from one dollar to five dollars, to authorize certain businesses to file annual reports with the Employment Security Commission rather than quarterly reports, and to authorize certain businesses that are allowed to file annual reports to file by telephone, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 180** (House Committee Substitute), a bill to modify the payment and reporting requirements and the collection procedures for unemployment contributions and to provide for a reduction in these contributions in certain circumstances, on today's Calendar.

With unanimous consent, on motion of Senator Shaw, the House Committee Substitute bill is taken up out of its regular order of business and, on his further motion, consideration of the House Committee Substitute bill is postponed until Tuesday, June 27.

S.B. 204, a bill authorizing nonresident taxpayers to claim the tax credit for child care and certain employment-related expenses.

With unanimous consent, on motion of Senator Sherron, the bill is re-referred to the **Appropriations Committee**.

S.B. 528 (Committee Substitute), a bill to establish the mediated settlement conferences in civil actions in superior court, on today's Calendar.

With unanimous consent, on motion of Senator Soles, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Sherron, Committee Amendments No. 1 and No. 2 adopted.

On motion of Senator Soles, the Chair orders the Committee Substitute bill, as amended, engrossed and re-referred to the **Appropriations Committee**.

H.B. 113 (Senate Committee Substitute), a bill to regulate public access to and use of criminal justice records, on today's Calendar.

Senator Plyler offers a motion the Senate Committee Substitute bill be taken up out of its regular order of business and re-referred to the **Appropriations Committee**, which motion he subsequently withdraws.

With unanimous consent, the Senate Committee Substitute bill is temporarily displaced.

H.B. 192 (Committee Substitute), a bill to create the Joint Legislative Administrative Procedure Oversight Committee, to strengthen the authority of the Rules Review Commission, and to make proposed administrative rules effective at the end of the legislative session, changing the title, upon concurrence, to read **H.B. 192** (Senate Committee Substitute), a bill to create the Joint Legislative Administrative Procedure Oversight Committee, to strengthen the authority of the Rules Review Commission, and to make proposed administrative rules effective after the legislature has had time to act to disapprove the rule but not later than the end of the legislative session, on today's Calendar.

With unanimous consent, on motion of Senator Plyler, the Senate Committee Substitute bill is taken up out of its regular order of business and, on his further motion, the Senate Committee Substitute bill is re-referred to **Appropriations Committee**.

H.B. 113 (Senate Committee Substitute), a bill to regulate public access to and use of criminal justice records, temporarily displaced earlier.

With unanimous consent, on motion of Senator Plyler, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 846, a bill to provide that State legislative and congressional redistricting plans may not divide precincts unless a plan has been rejected under Section 5 of the Voting Rights Act of 1965, and if so rejected, only the minimum number of precincts are divided in a subsequent plan as are required to obtain approval, on today's Calendar, upon third reading.

With unanimous consent, on motion of Senator Kerr, the bill is taken up out of its regular order of business and, on his further motion, consideration of the bill is postponed until Tuesday, June 27.

Without objection, the Lieutenant Governor declares the Senate in recess at 11:43 A.M., to reconvene at 12:00 Noon.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With unanimous consent, the President grants leaves of absence at 12:06 P.M. for a portion of today's Session to Senator Cochrane and Senator Shaw to present bills under their sponsorship to committees of the House of Representatives.

Upon the appearance of Senator Dannelly in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR (Continued)

S.B. 4 (House Committee Substitute), a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments

that may be imposed on a person convicted of a criminal offense, on today's Calendar for concurrence in the House Committee Substitute bill, upon third reading.

With unanimous consent, on motion of Senator Albertson, the House Committee Substitute bill is taken up out of its regular order of business and, on his further motion, consideration of the House Committee Substitute bill is postponed until Monday, June 26.

S.B. 396 (Committee Substitute), a bill to encourage regulated arrangements among physicians when the arrangement will help control costs, improve access, improve quality, or implement mandated health care reforms.

Upon the appearance of Senator Cochrane in the Chamber, the Chair acknowledges her presence and the leave of absence previously granted is withdrawn.

The Committee Substitute bill passes its second (43–6) and third readings and is ordered sent to the House of Representatives.

H.B. 552, a bill to close a loophole in the Minimum Housing Standards Act as it applies to large urban cities where the owner of substandard property can avoid orders to repair, remove, or demolish the unit by simply closing it, on today's Calendar.

With unanimous consent, on motion of Senator Martin of Guilford, the bill is taken up out of its regular order of business and, on his further motion, consideration of the bill is postponed until Tuesday, June 27.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 724 (House Committee Substitute), a bill to describe circumstances under which an attorney–in–fact may make gifts, as recommended by the General Statutes Commission, with the motion of Senator Hartsell that the Senate do appoint conferees prevailing on June 20.

The President *Pro Tempore* appoints Senator Hartsell, Chairman, and Senators Gulley and Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (Continued)

H.B. 353 (Senate Committee Substitute), a bill to implement the recommendations of the Governor's Task Force on Driving While Impaired.

With unanimous consent, on motion of Senator Cooper, consideration of the Senate Committee Substitute bill is postponed until Thursday, June 22.

H.B. 473, a bill to make procedural changes and technical corrections to the North Carolina Limited Liability Company Act, to allow retroactive indemnification of a manager or member of a limited liability company, and to extend the usury exemption to limited liability companies and partnerships, changing the title, upon concurrence, to read **H.B. 473** (Senate Committee Substitute No. 2), a bill to make procedural changes and technical corrections to the North Carolina Limited

Liability Company Act, to allow retroactive indemnification of a manager or member of a limited liability company, to extend the usury exemption to limited liability companies and partnerships, to amend the Professional Corporation Act, and to make conforming changes to the real estate license law.

The Senate Committee Substitute bill No. 2 passes its second (48–1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 645 (Committee Substitute), a bill to provide that local governments may regulate the possession of open containers of alcoholic beverages on public property and the possession of alcoholic beverages on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, changing the title, upon concurrence, to read **H.B. 645** (Senate Committee Substitute), a bill to make Statewide a local act providing that local governments may regulate the possession of open containers of malt beverages and unfortified wine on public property and the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, and further defining public property and open container, with a message from the House of Representatives received earlier today requesting conferees.

Senator Gulley offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

CALENDAR (Continued)

S.B. 1078, a bill to authorize local boards of education to have materials posted to educate students about the moral, ethical, ad virtuous principles of the world's religions and the great philosophers of civilization, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1078** (House Committee Substitute), a bill to require the public schools to provide instruction in character education, on today's Calendar.

With unanimous consent, on motion of Senator Odom the House Committee Substitute bill is taken up out of its regular order of business. Senator Odom offers a further motion to the end the House Committee Substitute bill be re–referred to the **Appropriations Committee.**

Following debate, Senator Ballance rises to a point of order under Rule 42.1 as to consideration of the measure without a fiscal note attached to the measure. The Chair rules with no request for a fiscal note this measure is properly before the Senate.

Following debate, Senator Perdue, Co–Chairman of the **Appropriations Committee**, requests a fiscal note on the House Committee Substitute bill. Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for Wednesday, June 28, for receipt of a fiscal note.

H.B. 496 (Committee Substitute), a bill to create an offense of communicating threats to a school bus driver and assaulting a school bus driver and other school

personnel, changing the title, upon concurrence, to read **H.B. 496** (Senate Committee Substitute), a bill to create an offense of assaulting a school bus driver and other school personnel boarding or on a school bus.

Following debate, Senator Ballantine offers Amendment No. 1, speaking to a Class 1 misdemeanor under G.S. 14–33 changed to a Class I felony.

Following lengthy debate, Senator Cooper calls the previous question, seconded by Senator Conder.

Senator Ballance rises to a point of order under Rule 42.3A as to the need for a five–year fiscal impact note. The Chair rules Rule 42.3A applicable to Amendment No. 1 and sustains the point of order.

Pursuant to the ruling of the Chair, with unanimous consent, Senator Conder withdraws his second of the call for the previous question and Senator Cooper withdraws his call for the previous question.

Senator Ballantine offers a motion further consideration of the Senate Committee Substitute bill with Amendment No. 1 pending be postponed until Tuesday, June 27.

Senator Rand rises to a point of order under Rule 42.3A(a) as to the motion to postpone properly before the Senate. The Chair rules the measure can receive no further consideration pending attachment of a fiscal note pursuant to Rule 42.3A(a).

Senator Odom rises to a point of order as to the applicability of Rule 42.3A(a) prior to the adoption of Amendment No. 1. The Chair rules a fiscal note is required to be attached to the measure prior to consideration pursuant to G.S. 120–36.7(b), upon which Rule 42.3A is based.

The Chair orders the Senate Committee Substitute bill placed on the Calendar for Monday, June 26, with Amendment No. 1 pending for receipt of a fiscal note.

H.B. 762 (Senate Committee Substitute), a bill to remove the requirement that depositions recorded by sound–and–visual means must be transcribed and to provide that, instead of a transcription, the recording may be reviewed by the deponent and may be used as the court's copy of the deposition.

Upon the appearance of Senator Shaw in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

The Senate Committee Substitute bill passes its second (45–1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 905 (Senate Committee Substitute), a bill to clarify the civil remedies available for returned checks.

With unanimous consent, on motion of Senator Ballance, consideration of the Senate Committee Substitute bill is postponed until Thursday, June 22.

RECONSIDERATION

H.B. 846, a bill to provide that State legislative and congressional redistricting plans may not divide precincts unless a plan has been rejected under Section 5 of the Voting Rights Act of 1965, and if so rejected, only the minimum number of precincts are divided in a subsequent plan as are required to obtain approval, with

the motion of Senator Kerr to postpone consideration until Tuesday, June 27, prevailing earlier today.

Senator Kerr offers a motion that the vote by which the motion prevailed to postpone consideration of the bill until June 27 be reconsidered, which motion prevails and the question reverts to passage of the bill upon third reading.

Senator Kerr offers Amendment No. 1 which is adopted (43–1).

The bill, as amended, passes its third reading (46–0) and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

CALENDAR (Continued)

H.B. 923 (Committee Substitute), a bill to provide that certain cities may allow pawnbrokers only with a special use permit.

Senator McKoy offers Amendment No. 1 which is adopted (43–4).

Following lengthy debate, Senator McKoy calls the previous question, seconded by Senator Conder. The call is sustained.

The Committee Substitute bill, as amended, passes its second (31–13) and third readings.

Senator Sherron offers a motion that the vote by which the Committee Substitute bill, as amended, passed its third reading be reconsidered and further offers a motion the motion to reconsider do lie upon the table, which motion prevails (36–11).

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 496 (Committee Substitute), a bill to create an offense of communicating threats to a school bus driver and assaulting a school bus driver and other school personnel, changing the title, upon concurrence, to read **H.B. 496** (Senate Committee Substitute), a bill to create an offense of assaulting a school bus driver and other school personnel boarding or on a school bus, placed earlier today on the Calendar for Monday, June 26, with Amendment No. 1 pending, for receipt of a fiscal note.

With unanimous consent, the Chair rescinds his earlier order and the measure is taken from the Calendar for June 26 and placed before the Senate for further consideration, and the question becomes the adoption of Amendment No. 1 offered by Senator Ballantine.

With unanimous consent, Senator Ballantine withdraws Amendment No. 1, which eliminates the requirement for a five-year fiscal note.

The Senate Committee Substitute bill passes its second (48–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 414 (Committee Substitute), a bill to "opt-in" for interstate branching authority under the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, for concurrence in House Committee Substitute No. 2, which changes the title, upon concurrence, to read **S.B. 414** (House Committee Substitute No. 2), a bill to "opt-in" for interstate branching authority under the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, and to make a conforming change to the revenue laws.

The Senate concurs in the House Committee Substitute bill No. 2 (48–0) and the measure is ordered enrolled.

S.J.R. 1096 (House Committee Substitute), a joint resolution honoring the life and memory of Mary Frances Powell Seymour, former member of the General Assembly, for concurrence in the House Committee Substitute bill.

By unanimous consent, with members standing, the Senate concurs in the House Committee Substitute bill and the measure is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 537 (Committee Substitute No. 2), a bill to allow Gaston County to acquire and otherwise make available property for use by the board of trustees of a community college within the county, held ineligible for consideration pursuant to Rule 41 earlier today and ordered held in the Office of the Principal Clerk.

With unanimous consent, the rules are suspended, and the Chair orders the Committee Substitute bill No. 2 recalled from the Office of the Principal Clerk and refers the measure to the **Finance Committee.**

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 645 (Committee Substitute), a bill to provide that local governments may regulate the possession of open containers of alcoholic beverages on public property and the possession of alcoholic beverages on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, changing the title, upon concurrence, to read **H.B. 645** (Senate Committee Substitute), a bill to make Statewide a local act providing that local governments may regulate the possession of open containers of malt beverages and unfortified wine on public property and the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, and further defining public property and open container, with the motion of Senator Gulley prevailing earlier today the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Gulley, Chairman, and Senators Horton and Jordan, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator Page, the Senate adjourns at 2:57 P.M. to meet tomorrow, Thursday, June 22, at 11:00 A.M.

EIGHTY-SIXTH DAY

SENATE CHAMBER,
Thursday, June 22, 1995

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, we are grateful for the very recent progress that has been made on difficult legislation.

"In the days ahead, help us, O Lord, when we want to do the right thing, but are still deciding what right is.

"Give us an extra measure of Your Help on the days when we know exactly what we ought to do but do not want to do it.

"Guard us from the pride and self-will that would keep us from admitting that without You, we can do nothing. Be ever present to us, we pray. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Sawyer due to hospitalization.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, June 21, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Cary C. McDonald of Chapel Hill, who is serving the Senate as Doctor of the Day.

The President of the Senate introduces his son, Quinn, whom he designates his Honorary Page for the day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 414 (House Committee Substitute No. 2), an act to "opt-in" for interstate branching authority under the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, and to make a conforming change to the revenue laws. (Ch. 322)

H.B. 656, an act to make amendments to the Raleigh City Charter and to allow the City of Raleigh to impose certain regulations on portions of State system highways. (Ch. 323)

S.J.R. 1096 (House Committee Substitute), a joint resolution honoring the life and memory of Mary Frances Powell Seymour, former member of the General Assembly. (Res. 10)

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Education/Higher Education Committee**:

H.B. 487, a bill to authorize pilot programs in which students are required to wear uniforms in public schools, with a favorable report.

H.B. 871, a bill to authorize the State Board of Education to appoint assistance teams to low performing schools, with a favorable report.

On motion of Senator Winner, the bill is re-referred to the **Appropriations Committee.**

CALENDAR

H.B. 280 (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen and to prohibit the discharge of pyrotechnics within one hundred feet of woodlands, on today's Calendar.

With unanimous consent, on motion of Senator Winner, the Committee Substitute bill is taken up out of its regular order of business and, on her further motion, consideration of the Committee Substitute bill is postponed until Tuesday, June 27.

COMMITTEE REFERRAL RECALL

H.B. 85 (Committee Substitute), a bill to provide that nonprofit barber schools have one instructor for every twenty students, referred to the **Children and Human Resources Committee** on June 20.

Pursuant to Rule 47(b), Senator Lucas offers a motion the Committee Substitute bill be taken from the **Children and Human Resources Committee** and placed on the Calendar for Monday, June 26, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Children and Human Resources Committee** and places it on the Calendar for Monday, June 26, for consideration upon its passage.

CONFERENCE REPORT

S.B. 724 (House Committee Substitute)

Senator Hartsell for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 724** (House Committee Substitute), a bill to describe circumstances under which an attorney-in-fact may make gifts, as recommended by the General Statutes Commission, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 724, A BILL TO BE ENTITLED AN ACT TO DESCRIBE CIRCUMSTANCES UNDER WHICH AN ATTORNEY-IN-FACT MAY MAKE GIFTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, Fourth Edition Engrossed 6/14/95, submit the following report:

The Senate concurs in the House Committee Substitute Fourth Edition Engrossed 6/14/95 with the following amendment:

On page 2, delete lines 4 through 19 and substitute the following: fact authority.)

"(1) Real property ~~transactions;~~ transactions
(2) Personal property ~~transactions;~~ transactions
(3) Bond, share, stock, securities and commodity ~~transactions;~~ transactions
(4) Banking ~~transactions;~~ transactions
(5) Safe ~~deposits;~~ deposits
(6) Business operating ~~transactions;~~ transactions
(7) Insurance ~~transactions;~~ transactions
(8) Estate ~~transactions~~; transactions
(9) Personal relationships and ~~affairs~~; affairs
(10) Social security and ~~unemployment;~~ unemployment
(11) Benefits from ~~military service;~~ military service
(12) Tax matters
(13) Employment of agents
(14) Gifts to charities, and to individuals other than the attorney in fact
(15) Gifts to the named attorney-in-fact

The House agrees to the same

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 22, 1995.

S/Fletcher L. Hartsell, Jr.
S/Wib P. Gulley
S/John H. Kerr

Conferees for the Senate

S/C. B. Neely, Jr.
S/Joe Hackney
S/Daniel F. McComas

Conferees for the House of Representatives

On motion of Senator Hartsell, the Conference Report is adopted (46–0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES (Continued)

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

H.B. 970, a bill to permit employers to conduct on-site drug testing under certain circumstances, with a favorable report, as amended.

S.B. 876, a bill to provide maximum fees that may be charged by financial institutions and merchants for returned checks and to provide that a portion of the fees collected by financial institutions for returned checks shall be used for public school building capital costs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 7699, which changes the title, to read **S.B. 876**

(Committee Substitute), a bill authorizing the Legislative Research Commission to study the maximum fees that may be charged by financial institutions and merchants for returned checks, and to study whether a portion of those fees should be used for public school building capital costs, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Senate Committee Substitute bill is adopted.

On motion of Senator Gulley, without objection, the rules are suspended and the sequential referral to the **Finance Committee** ordered May 1 is rescinded.

With unanimous consent, on motion of Senator Gulley, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Perdue for the **Appropriations Committee**:

S.B. 584, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University, with a favorable report.

The Chair orders the bill placed on the Calendar for Monday, June 26.

S.B. 765, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill and to amend Chapter 451 of the 1993 Session Laws regarding a wholly self-liquidating project at the University of North Carolina at Greensboro, with a favorable report.

The Chair orders the bill placed on the Calendar for Monday, June 26.

H.B. 437, a bill to provide for the State of North Carolina to establish a State Veterans Home Program in the Division of Veterans Affairs of the Department of Administration, with a favorable report.

RECONSIDERATION

S.B. 724 (House Committee Substitute), a bill to describe circumstances under which an attorney-in-fact may make gifts, as recommended by the General Statutes Commission, with the motion to adopt Conference Report prevailing earlier today.

Senator Hartsell offers a motion the vote by which the Conference Report was adopted be reconsidered, which motion prevails, and the question becomes the adoption of the Conference Report.

With unanimous consent, Senator Hartsell withdraws the Conference Report.

COMMITTEE REFERRAL RECALL

S.B. 1092, a bill to reorganize Chapter 74C of the General Statutes regarding private protective services and to make various amendments to that Chapter, referred to the **Judiciary I/Constitution Committee** on May 4.

Pursuant to Rule 47(b), Senator Cooper offers a motion the bill be taken from the **Judiciary I/ Constitution Committee** and re-referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Judiciary I/Constitution Committee** and refers the bill to the **Finance Committee.**

CONFERENCE REPORT

H.B. 229 (Senate Committee Substitute)

Senator Plyler, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H.B. 229** (Senate Committee Substitute), a bill to appropriate funds for the continuation budget operations of State departments, institutions, and agencies, and for other purposes, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 229, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUATION BUDGET OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, Senate Appropriations Committee Substitute Fifth Edition Engrossed 5/18/95, submit the following report:

The Senate and the House of Representatives agree to the following amendment to the Senate Appropriations Committee Substitute Fifth Edition Engrossed 5/18/95, and the House concurs in the Senate Appropriations Committee Substitute Fifth Edition Engrossed 5/18/95, as amended:

Delete the entire Senate Appropriations Committee Substitute Fifth Edition Engrossed 5/18/95, and substitute the attached Proposed Conference Committee Substitute H229-PCCS 9153.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 21, 1995.

S/Aaron W. Plyler, Co-chairman
S/Beverly Perdue, Co-chairman
S/T.L. Odom, Co-chairman
S/Clark Plexico
S/Leslie Winner
S/W.N. Martin
S/R.L. Martin
S/Ed Warren
S/Frank W. Ballance, Jr.
S/David Hoyle
S/Anthony E. Rand
S/J. Richard Conder
S/C.R. Edwards
S/Teena S. Little
S/Dennis H. Davis
S/Fletcher Hartsell, Jr.

Conferees for the Senate

S/George M. Holmes, Co-chair
S/Billy J. Creech, Co-chair
S/Theresa H. Esposito, Co-chair
S/Carolyn B. Russell
S/N. Leo Daughtry
S/William M. Ives
S/J. Shawn Lemmond
S/Robin Hayes
S/Charlotte A. Gardner
S/Frank Mitchell
S/John H. Weatherly
S/Robert Grady
S/Jean R. Preston
S/Joanne W. Bowie
S/Bobby H. Barbee, Sr.
S/Larry T. Justus
S/Gregg Thompson
S/Frances M. Cummings
S/Bill Culpepper
S/James W. Crawford, Jr.
S/Edd Nye

Conferees for the House of Representatives

June 22, 1995

The text of the attached Proposed Conference Committee Substitute bill PCCS 9153 reads as follows:

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUATION BUDGET OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

PART 1. INTRODUCTION AND TITLE OF ACT

INTRODUCTION

Section 1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act, or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

TITLE OF ACT

Sec. 1.1. This act shall be known as the Continuation Budget Operations Appropriations Act of 1995.

PART 2. GENERAL FUND APPROPRIATIONS

CURRENT OPERATIONS/GENERAL FUND

Sec. 2. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated are made for the biennium ending June 30, 1997, according to the schedule that follows. Amounts set out in brackets are reductions from General Fund appropriations for the 1995–96 and 1996–97 fiscal years.

Current Operations – General Fund	1995–96	1996–97
General Assembly	$ 27,313,680	$ 30,702,253
Judicial Department	276,398,840	279,352,847
Office of the Governor		
01. Office of the Governor	4,833,590	4,852,628
02. Office of State Budget and Management	3,442,164	3,578,579
03. Office of State Planning	1,791,079	1,793,484
04. Housing Finance Agency	2,300,000	2,300,000
Office of the Lieutenant Governor	577,313	578,729
Department of Secretary of State	4,580,487	4,632,853
Department of State Auditor	8,822,793	8,828,840
Department of State Treasurer		
01. State Treasurer	6,015,881	6,023,960
02. Special Contributions	7,477,187	7,477,187
Department of Public Education	3,923,051,726	3,988,143,700
Department of Justice	56,121,586	56,691,952

Department of Administration	52,039,811	53,294,727
Department of Agriculture	45,496,479	45,745,793
Department of Labor	15,054,312	14,902,477
Department of Insurance	18,425,166	18,466,396
Department of Transportation		
01. Aeronautics	9,434,000	10,047,210
02. Aid to Railroads	100,000	100,000
Total Department of Transportation	9,534,000	10,147,210
Department of Environment, Health, and Natural Resources	227,019,388	226,973,578
Office of Administrative Hearings	2,041,641	2,046,136
Rules Review Commission	262,661	262,661
Department of Human Resources		
01. Office of the Secretary	23,779,131	23,690,853
02. Division of Aging	12,925,967	12,926,726
03. Division of Child Development	120,137,472	126,951,341
04. Division of Services for the Deaf and Hard of Hearing	26,188,277	26,331,060
05. Division of Social Services	196,936,746	200,314,848
06. Division of Medical Assistance	1,045,077,626	1,169,772,076
07. Division of Services for the Blind	15,250,391	15,171,024
08. Division of Mental Health, Developmental Disabilities, and Substance Abuse Services	473,662,470	471,231,466
09. Division of Facility Services	9,198,369	9,126,950
10. Division of Vocational Rehabilitation Services	26,227,567	26,518,836
11. Division of Youth Services	70,789,456	69,313,553
Total Department of Human Resources	2,020,173,472	2,151,348,733
Department of Correction	763,430,258	791,407,879
Department of Commerce		
01. Commerce	34,228,031	34,105,893
02. Biotechnology Center	7,664,396	7,664,396
03. MCNC	19,765,000	19,765,000
04. Rural Economic Development Center	3,170,000	3,170,000
Department of Revenue	59,706,976	59,602,150
Department of Cultural Resources	44,125,706	45,025,630
Department of Crime Control and Public Safety	31,357,768	31,104,678
Office of the State Controller	8,718,487	8,727,680
University of North Carolina – Board of Governors		
01. General Administration	16,722,131	18,899,496
02. University Institutional Programs	6,768,790	6,768,790
03. Related Educational Programs	52,562,556	53,328,301
04. University of North Carolina at Chapel Hill		
a. Academic Affairs	150,770,266	152,080,756
b. Health Affairs	122,928,857	123,738,656
c. Area Health Education Centers	35,953,934	35,940,628
05. North Carolina State University at Raleigh		
a. Academic Affairs	192,700,104	196,389,163
b. Agricultural Research Service	39,164,075	38,914,625
c. Cooperative Extension Service	30,550,645	30,562,931

06. University of North Carolina at Greensboro	58,885,917	59,247,621
07. University of North Carolina at Charlotte	66,957,840	67,677,990
08. University of North Carolina at Asheville	19,076,572	19,359,219
09. University of North Carolina at Wilmington	37,224,302	37,856,024
10. East Carolina University		
a. Academic Affairs	83,972,256	84,540,347
b. Division of Health Affairs	39,646,521	39,694,687
11. North Carolina Agricultural and Technical State University	48,423,012	48,814,912
12. Western Carolina University	40,832,172	41,088,919
13. Appalachian State University	57,770,972	58,257,556
14. Pembroke State University	18,126,902	18,208,644
15. Winston-Salem State University	18,760,697	18,965,075
16. Elizabeth City State University	18,232,363	18,304,275
17. Fayetteville State University	23,116,271	23,295,616
18. North Carolina Central University	33,141,541	33,463,709
19. North Carolina School of the Arts	10,132,364	10,313,014
20. North Carolina School of Science and Mathematics	8,575,631	8,754,721
21. UNC Hospitals at Chapel Hill	44,561,955	44,561,955
Total University of North Carolina - Board of Governors	1,275,558,646	1,289,027,630
Department of Community Colleges	436,169,834	440,765,325
State Board of Elections	835,456	835,673
Contingency and Emergency	1,125,000	1,125,000
Reserve for Compensation Increase	2,000,000	2,000,000
Reserve for Salary Adjustments	1,000,000	1,500,000
Fixed Period for Amortization and Other Retirement Changes	(6,084,400)	(6,084,400)
Debt Service	116,805,051	115,113,536
GRAND TOTAL CURRENT OPERATIONS — GENERAL FUND	$9,512,349,465	$9,763,000,793

PART 3. CURRENT OPERATIONS/HIGHWAY FUND

Sec. 3. Appropriations from the Highway Fund of the State for the maintenance and operation of the Department of Transportation, and for other purposes as enumerated, are made for the biennium ending June 30, 1997, according to the following schedule:

Current Operations - Highway Fund	1995-96	1996-97
Department of Transportation		
01. Administration	$36,479,381	$36,663,220
02. Division of Highways		
a. Administration and Operations	35,978,558	36,044,682
b. State Construction		
(01) Secondary Construction	73,900,000	75,563,941
(02) Urban Construction	20,000,000	20,000,000
(03) Access and Public Service Roads	2,000,000	2,000,000
(04) Spot Safety Improvements	9,100,000	9,100,000

	c. State Funds to Match Federal Highway Aid		
	(01) Construction	33,153,153	33,153,153
	(02) Highway Planning/Research	2,959,649	2,959,649
	d. State Maintenance		
	(01) Primary	106,146,405	106,146,405
	(02) Secondary	185,554,790	185,554,790
	(03) Urban	30,764,757	30,764,757
	(04) Contract Resurfacing	89,127,392	89,127,392
	e. Ferry Operations	17,947,994	17,947,994
03.	Division of Motor Vehicles	81,572,443	79,937,436
04.	Governor's Highway Safety Program	302,968	303,237
05.	State Aid to Municipalities	73,900,000	75,563,941
06.	State Aid for Public Transportation	10,246,921	10,246,921
07.	State Aid for Railroads	800,000	800,000
08.	Reserve for Salary Adjustments	200,000	200,000
09.	Reserve for OSHA Deficiencies	425,000	425,000
10.	Reserve for Increase in Travel Reimbursement Rate	200,000	200,000
11.	Reserve for Asphalt Plant Cleanup	1,000,000	1,000,000
12.	Reserve for Global Transpark Authority	750,000	750,000
13.	Reserves for Employee Benefits		
	a. Change in amortization period	(201,451)	(201,451)
	b. Disability Income Plan increase	154,963	154,963
	c. Fixed Period for Amortization and Other Retirement Changes	(154,963)	(154,963)
14.	Transfer to Highway Trust Fund	12,100,000	32,300,000
15.	Debt Service	25,133,780	4,978,215
Appropriations to Other State Agencies			
01.	Crime Control and Public Safety	104,040,927	105,438,322
02.	Other Agencies		
	a. Department of Agriculture	3,025,401	3,162,344
	b. Department of Revenue	2,268,383	2,270,054
	c. Department of Environment, Health, and Natural Resources:		
	LUST Trust Fund	6,119,216	6,162,602
	Chemical Test Program	391,903	391,903
	d. Department of Public Instruction	21,188,826	21,188,826
	e. Department of State Treasurer	11,130,000	11,853,450
GRAND TOTAL CURRENT OPERATIONS — HIGHWAY FUND		$ 997,706,396	$1,001,996,783

PART 4. HIGHWAY TRUST FUND

Sec. 4. Appropriations from the Highway Trust Fund are made for the fiscal biennium ending June 30, 1997, according to the following schedule:

Highway Trust Fund	1995–96	1996–97
01. Intrastate System	$295,184,649	$319,382,722
02. Secondary Roads Construction	61,918,898	64,954,983
03. Urban Loops	119,360,379	129,145,071
04. State Aid – Municipalities	30,971,755	33,510,697
05. Program Administration	20,996,319	21,852,527
06. Transfer to General Fund	170,000,000	170,000,000
GRAND TOTAL/HIGHWAY TRUST FUND	$698,432,000	$738,846,000

PART 5. GENERAL FUND/HIGHWAY FUND AVAILABILITY STATEMENTS/ RESERVE FOR REPAIRS AND RENOVATIONS

Requested by: Senators Odom, Plyler, Perdue,
Representatives Holmes, Esposito, Creech

BUDGET REFORM STATEMENTS

Sec. 5. The General Fund and availability used in developing the 1995–97 budget is as shown below:

	($ Million)
(1) Composition of the 1995–97 beginning availability:	
a. Revenue collections in 1994–95 in excess of authorized estimates	$192.00
b. Unexpended appropriations during 1994–95 (reversions)	162.40
c. Balance brought forward	33.40
Subtotal	387.80
d. Transfer to Savings Reserve	96.90
e. Transfer to Reserve for Repair and Renovations	125.00
Ending Fund Balance	$ 165.9

	($ Million) 1995–96	($ Million) 1996–97
(2) Beginning Unrestricted Fund Balance	$ 165.9	$ –
(3) Revenues Based on Existing Tax Structure	10,019.6	10,658.1
(4) 94–95 Reserve for Tax Reductions	28.1	–
Changes:		
1. Tax Reductions		
(a) Personal Income	–235.0	–244.1
(b) Intangibles Repeal	–124.4	–124.5
2. Local Sales Tax – Local Government Commission	1.5	1.5
3. Insurance Regulatory Charges	3.7	3.7
4. Treasurer's Banking Fees	–.7	–.7
5. Disproportionate Share Receipts	106.9	117.7
6. Investment Income Electronic Fund Transfers	2.0	2.0
Availability	$9,967.6	$10,413.7

Requested by: Senators Odom, Plyler, Perdue

HIGHWAY FUND AVAILABILITY

Sec. 5.1. The Highway Fund appropriations availability used in developing the 1995–97 Highway Fund budget is shown below:

	1995–96	1996–97
Beginning Credit Balance	$ 19,382,000	$ –
Estimated Revenue	1,023,228,000	1,046,316,000
Reversions:		
Financial System Funds	1,300,000	
Ferry Credit Balance	200,000	
Capital Improvements	4,112,266	
Total Highway Fund Availability	**$1,048,222,266**	**$1,046,316,000**

Requested by: Representatives Holmes, Creech, Esposito, Senators Odom, Plyler, Perdue

REPAIRS RESERVE ACCOUNT CHANGES

Sec. 5.2. (a) G.S. 143–15.2 reads as rewritten:

"§ **143–15.2. Use of General Fund credit balance.**

The State Controller shall reserve up to one–fourth of any unreserved credit balance, as determined on a cash basis, remaining in the General Fund at the end of each fiscal year to the Savings Reserve Account as provided in G.S. 143–15.3, unless that would result in the Savings Reserve Account having funds in excess of five percent (5%) of the amount appropriated the preceding year for the General Fund operating budget, including local government tax–sharing funds; in that case, only funds sufficient to reach the five percent (5%) level shall be reserved. The State Controller shall also reserve the ~~lesser~~ greater of (i) one–fourth of any unreserved credit balance, as determined on a cash basis, remaining in the General Fund and (ii) ~~one and one–half percent (1.5%)~~ three percent (3%) of the replacement value of all State buildings supported from the General Fund, at the end of each fiscal year to the Repairs and Renovations Reserve Account as provided in G.S. 143–15.3A. The General Assembly may appropriate that part of the anticipated General Fund credit balance not expected to be reserved to the Savings Reserve Account or the Repairs and Renovations Reserve Account only for capital improvements or other one–time expenditures. As used in this section, the term 'unreserved credit balance' means the credit balance amount, as determined on a cash basis, before funds are reserved by the Controller to the Savings Reserve Account or the Repairs and Renovations Reserve Account pursuant to G.S. 143–15.3 and G.S. 143–15.3A."

(b) G.S. 143–15.3A reads as rewritten:

"§ **143–15.3A. Repairs and Renovations Reserve Account.**

(a) There is established a Repairs and Renovations Reserve Account as a restricted reserve in the General Fund. The State Controller shall reserve to the Repairs and Renovations Reserve Account the greater of (i) one–fourth of any unreserved credit balance as determined on a cash basis, remaining in the General Fund and (ii) three percent (3%) of the replacement value of all State buildings supported from the General Fund, at the end of each fiscal year. As used in this section, the term 'unreserved credit balance' means the credit balance amount, as determined on a cash basis, before funds are reserved by the Controller to the Savings Reserve Account or the Repairs and Renovations Reserve Account pursuant to this section and G.S. 143–15.3.

(b) The funds in the Repairs and Renovations Reserve Account shall be used only for the repair and renovation of State facilities and related infrastructure that are supported from the General Fund. Funds from the Repairs and Renovations Reserve Account shall be used only for the following types of projects:

(1) Roof repairs and replacements;
(2) Structural repairs;
(3) Repairs and renovations to meet federal and State standards;
(4) Repairs to electrical, plumbing, and heating, ventilating, and air-conditioning systems;
(5) Improvements to meet the requirements of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., as amended;
(6) Improvements to meet fire safety needs;
(7) Improvements to existing facilities for energy efficiency;
(8) Improvements to remove asbestos, lead paint, and other contaminants, including the removal and replacement of underground storage tanks;
(9) Improvements and renovations to improve use of existing space;
(10) Historical restoration;
(11) Improvements to roads, walks, drives, utilities infrastructure; and
(12) Drainage and landscape improvements.

Funds from the Repairs and Renovations Reserve Account shall not be used for new construction or the expansion of the footprint of an existing facility unless required in order to comply with federal or State codes or standards.

The Director of the Budget shall not use funds in the Repairs and Renovations Reserve Account unless the use has been approved by an act of the General Assembly."

(c) This section becomes effective June 30, 1995.

Requested by: Senators Odom, Plyler, Perdue,
Representatives Holmes, Creech, Esposito

EXPENDITURE OF FUNDS FROM RESERVE FOR REPAIRS AND RENOVATIONS

Sec. 5.3. Of the funds in the Reserve for Repairs and Renovations for the 1995-96 fiscal year, forty-six percent (46%), shall be allocated to the Board of Governors of The University of North Carolina for repairs and renovations pursuant to G.S.143-15.3A, in accordance with guidelines developed in The University of North Carolina Funding Allocation Model for Reserve for Repairs and Renovations, as approved by the Board of Governors of The University of North Carolina; and fifty-four percent (54%) shall be allocated to the Office of State Budget and Management for repairs and renovations pursuant to G.S. 143-15.3A.

Notwithstanding G.S. 143-15.3A, the Board of Governors may allocate funds for the repair and renovation of facilities not supported from the General Fund if the Board determines that sufficient funds are not available from other sources and that conditions warrant General Fund assistance. Any such finding shall be included in the Board's submission to the Joint Legislative Commission on Governmental Operations on the proposed allocation of funds.

The Board of Governors and the Office of State Budget and Management shall submit to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office, for their review,

the proposed allocation of these funds. Subsequent changes in the proposed allocations shall be reported prior to expenditure to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office.

PART 6. GENERAL PROVISIONS

Requested by: Representatives Holmes, Creech, Esposito,
Senators Odom, Plyler, Perdue

SPECIAL FUNDS, FEDERAL FUNDS, AND DEPARTMENTAL RECEIPTS/ AUTHORIZATION FOR EXPENDITURES

Sec. 6.1. There is appropriated out of the cash balances, federal receipts, and departmental receipts available to each department, sufficient amounts to carry on authorized activities included under each department's operations. All these cash balances, federal receipts, and departmental receipts shall be expended and reported in accordance with provisions of the Executive Budget Act, except as otherwise provided by statute, and shall be expended at the level of service authorized by the General Assembly. If the receipts, other than gifts and grants that are unanticipated and are for a specific purpose only, collected in a fiscal year by an institution, department, or agency exceed the receipts certified for it in General Fund Codes or Highway Fund Codes, then the Director of the Budget shall decrease the amount he allots to that institution, department, or agency from appropriations from that Fund by the amount of the excess, unless the Director of the Budget finds that the appropriations from the Fund are necessary to maintain the function that generated the receipts at the level anticipated in the certified Budget Codes for that Fund. Funds that become available from overrealized receipts in General Fund Codes and Highway Fund Codes, other than gifts and grants that are unanticipated and are for a specific purpose only, shall not be used for new permanent employee positions or to raise the salary of existing employees except:

(1) As provided in G.S. 116–30.1, 116–30.2, 116–30.3, 116–30.4, or 143–27; or

(2) If the Director of the Budget finds that the new permanent employee positions are necessary to maintain the function that generated the receipts at the level anticipated in the certified budget codes for that Fund. The Director of the Budget shall notify the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, the chairmen of the appropriations committees of the Senate and the House of Representatives, and the Fiscal Research Division of the Legislative Services Office that he intends to make such a finding at least 10 days before he makes the finding. The notification shall set out the reason the positions are necessary to maintain the function.

The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office within 30 days after the end of each quarter the General Fund Codes or Highway Fund Codes that did not result in a corresponding reduced allotment from appropriations from that Fund.

The Director of the Budget shall develop necessary budget controls, regulations, and systems to ensure that these funds and other State funds subject to the Executive Budget Act, are not spent in a manner which would cause a deficit in expenditures.

Pursuant to G.S. 143–34.2, State departments, agencies, institutions, boards, or commissions may make application for, receive, or disburse any form of non–State aid. All non–State monies received shall be deposited with the State Treasurer unless otherwise provided by State law. These funds shall be expended in accordance with the terms and conditions of the fund award that are not contrary to the laws of North Carolina.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Odom, Plyler, Perdue

INSURANCE AND FIDELITY BONDS

Sec. 6.2. All insurance and all official fidelity and surety bonds authorized for the several departments, institutions, and agencies shall be effected and placed by the Insurance Department, and the cost of placement shall be paid by the affected department, institution, or agency with the approval of the Insurance Commissioner.

Requested by: Senators Odom, Plyler, Perdue,
Representatives Holmes, Creech, Esposito

CONTINGENCY AND EMERGENCY FUND ALLOCATION

Sec. 6.3. Of the funds appropriated in this act to the Contingency and Emergency Fund, the sum of nine hundred thousand dollars ($900,000) for the 1995–96 fiscal year and the sum of nine hundred thousand dollars ($900,000) for the 1996–97 fiscal year shall be designated for emergency allocations, which are for the purposes outlined in G.S. 143–23(a1)(3), (4), and (5). Two hundred twenty–five thousand dollars ($225,000) for the 1995–96 fiscal year and two hundred twenty–five thousand dollars ($225,000) for the 1996–97 fiscal year shall be designated for other allocations from the Contingency and Emergency Fund.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Odom, Plyler, Perdue

AUTHORIZED TRANSFERS

Sec. 6.4. The Director of the Budget may transfer to General Fund budget codes from the General Fund salary adjustment appropriation, and may transfer to Highway Fund budget codes from the Highway Fund salary adjustment appropriation, amounts required to support approved salary adjustments made necessary by difficulties in recruiting and holding qualified employees in State government. The funds may be transferred only when the use of salary reserve funds in individual operating budgets is not feasible.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Odom, Plyler, Perdue

EXPENDITURES OF FUNDS IN RESERVES LIMITED

Sec. 6.5. All funds appropriated by this act into reserves may be expended only for the purposes for which the reserves were established.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Odom, Plyler, Perdue

STATE MONEY RECIPIENTS/CONFLICT OF INTEREST POLICY

Sec. 6.6. Each private, nonprofit entity eligible to receive State funds, either by General Assembly appropriation, or by grant, loan, or other allocation from a State agency, before funds may be disbursed to the entity, shall file with the disbursing agency a notarized copy of that entity's policy addressing conflicts of interest that may arise involving the entity's management employees and the members of its board of directors or other governing body. The policy shall address situations where any of these individuals may directly or indirectly benefit, except as the entity's employees or members of the board or other governing body, from the entity's disbursing of State funds, and shall include actions to be taken by the entity or the individual, or both, to avoid conflicts of interest and the appearance of impropriety.

Requested by: Senators Odom, Plyler, Perdue,
Representatives Gardner, Hayes, Holmes, Creech, Esposito

DISPOSITION OF DISPROPORTIONATE SHARE RECEIPTS

Sec. 6.8. For the 1995–97 fiscal biennium, as it receives funds associated with Disproportionate Share Payments from the State psychiatric hospitals, the Division of Medical Assistance shall deposit funds appropriated for the Medicaid program in a sum equal to the federal share of the Disproportionate Share Payments as nontax revenue. Any of these funds that are not appropriated by the General Assembly shall be reserved by the State Controller for future appropriation.

Requested by: Representatives Nichols, Mitchell, Weatherly, Crawford,
Senators Martin of Pitt, Edwards

PROMPT STATE CHANGES FOLLOWING FEDERAL REGULATORY CHANGES

Sec. 6.9. Each agency shall monitor federal regulations that affect a program administered by the agency. If a federal regulation that affects a program administered by the agency is changed, the agency shall review its administrative rules adopted to implement the program to determine if the agency needs to change its rules in response to the change in the federal regulation.

If the agency's rules adopt the federal regulation by reference under G.S. 150B–21.6 and the adoption by reference includes future changes to the federal regulation, no agency action is needed. If the agency's rules do not adopt the federal regulation by reference or they adopt it by reference but the reference does not include future changes, the agency shall consider taking appropriate action to adopt a temporary rule under G.S. 150B–21.1 in response to the federal change.

Requested by: Representatives Weatherly, Mitchell, Crawford,
Senators Martin of Pitt, Edwards

FAILURE TO INDICATE THE NUMBER OF COPIES PRINTED AND COST OF STATE DOCUMENT SUBJECTS AGENCY TO PRINTING BUDGET REDUCTION

Sec. 6.10. G.S. 143–170.1 is amended by adding a new subsection to read:

"(a3) If an agency fails to comply with this section, then the agency's printing budget for the fiscal year following the violation shall be reduced by ten percent (10%)."

PART 7. SALARIES AND BENEFITS

Requested by: Senators Odom, Plyler, Perdue,
Representatives Holmes, Creech, Esposito

SALARY RELATED CONTRIBUTIONS/EMPLOYERS

Sec. 7.1. (a) Required employer salary-related contributions for employees whose salaries are paid from department, office, institution, or agency receipts shall be paid from the same source as the source of the employees' salaries. If an employee's salary is paid in part from the General Fund or Highway Fund and in part from department, office, institution, or agency receipts, required employer salary-related contributions may be paid from the General Fund or Highway Fund only to the extent of the proportionate part paid from the General Fund or Highway Fund in support of the salary of the employee, and the remainder of the employer's requirements shall be paid from the source that supplies the remainder of the employee's salary. The requirements of this section as to source of payment are also applicable to payments on behalf of the employee for hospital-medical benefits, longevity pay, unemployment compensation, accumulated leave, workers' compensation, severance pay, separation allowances, and applicable disability income and disability salary continuation benefits.

(b) Effective July 1, 1995, the State's employer contribution rates budgeted for retirement and related benefits as a percentage of covered salaries for the 1995-96 fiscal year are (i) ten and eighty-three hundredths percent (10.83%) - Teachers and State Employees; (ii) fifteen and eighty-three hundredths percent (15.83%) - State Law Enforcement Officers; (iii) nine and ten hundredths percent (9.10%) - University Employees' Optional Retirement Program; (iv) twenty-two and sixty-five hundredths percent (22.65%) - Consolidated Judicial Retirement System; and (v) twenty-three and twenty-seven hundredths percent (23.27%) - Legislative Retirement System. Each of the foregoing contribution rates includes two percent (2%) for hospital and medical benefits. The rate for State Law Enforcement Officers includes five percent (5%) for the Supplemental Retirement Income Plan. The rates for Teachers and State Employees, State Law Enforcement Officers, and for the University Employees' Optional Retirement Program includes fifty-two hundredths percent (0.52%) for the Disability Income Plan.

(c) The General Assembly authorizes the Board of Trustees of the Teachers' and State Employees' Retirement System to adopt a fixed amortization period of nine years for purposes of the unfunded accrued liability for the Retirement System.

(d) The maximum annual employer contributions, payable monthly, by the State for each covered employee or retiree for the 1995-96 fiscal year and for the 1996-97 fiscal year to the Teachers' and State Employees' Comprehensive Major Medical Plan are: (i) Medicare-eligible employees and retirees - one thousand three hundred twenty-one dollars ($1,321); and (ii) Non-Medicare-eligible employees and retirees - one thousand seven hundred thirty-six dollars ($1,736).

PART 8. GENERAL ASSEMBLY

Requested by: Senators Warren, Davis,
Representatives Ives, Lemmond, Culpepper

CONFIDENTIALITY OF REQUESTS FOR ASSISTANCE IN THE PREPARATION OF FISCAL NOTES

Sec. 8.1. (a) Article 17 of Chapter 120 of the General Statutes is amended by adding a new section to read:

"**§ 120-131.1. Requests from legislative employees for assistance in the preparation of fiscal notes.**

(a) A request made to an employee of a State agency other than the General Assembly by an employee of the Fiscal Research Division for assistance in the preparation of a fiscal note is confidential. An employee of a State agency other than the General Assembly who receives such a request or who learns of such a request made to another employee of his or her agency shall reveal the existence of the request only to other employees of the agency to the extent that it is necessary to respond to the request, and to the employee's supervisor and to the Office of State Budget and Management. All documents prepared by the employee in response to the request of the Fiscal Research Division are also confidential and shall be kept confidential in the same manner as the original request.

(b) As used in this section, 'employee' means an employee or officer of a State agency.

(c) Violation of this section may be grounds for disciplinary action."

(b) This section becomes effective 30 days after ratification.

Requested by: Representatives Ives, Lemmond, Culpepper,
Senators Warren, Davis

LRC STUDY TRANSFER OF ALL STATE VEHICLES TO MOTOR FLEET MANAGEMENT

Sec. 8.2. The Legislative Research Commission shall study the transfer of all State vehicles to the Division of Motor Fleet Management, Department of Administration.

The Legislative Research Commission may make an interim report, together with any legislative recommendations, on this study to the 1995 General Assembly, Regular Session 1996, and shall make a final report, together with any legislative recommendations, to the 1997 General Assembly.

Requested by: Senators Warren, Davis,
Representatives Ives, Lemmond, Culpepper

LRC STUDY CIVILIANIZATION

Sec. 8.3. The Legislative Research Commission may study issues related to civilianizing certain State government law enforcement functions and positions, including the appropriate use of nonsworn, noncertified personnel in positions for which sworn status is not cost-effective or required. This study shall include the recommendations made by the Government Performance Audit Committee on civilianization to the 1993 General Assembly.

The Legislative Research Commission may make an interim report, including any legislative recommendations, to the 1995 General Assembly, Regular Session 1996, and shall make a final report, including any legislative recommendations, to the 1997 General Assembly.

PART 9. OFFICE OF THE GOVERNOR

Requested by: Representatives Ives, Lemmond,
Senators Cochrane, Davis, Gulley

ELIMINATION OF THE OMBUDSMAN OFFICE IN THE OFFICE OF THE GOVERNOR

Sec. 9.2. The Office of Ombudsman in the Office of the Governor is abolished. No appropriated State funds shall be used to reestablish this office.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

HOME PROGRAM MATCHING FUNDS

Sec. 9.3. (a) Funds appropriated in this act to the Housing Finance Agency for the federal HOME Program shall be used to match federal funds appropriated for the HOME Program. In allocating State funds appropriated to match federal HOME Program funds, the Agency shall give priority to HOME Program projects, as follows:

(1) First priority to projects that are located in counties designated as severely distressed counties under G.S. 105-130.40(c) or G.S. 105-151.17(c); and

(2) Second priority to projects that benefit persons and families whose incomes are fifty percent (50%) or less of the median family income for the local area, with adjustments for family size, according to the latest figures available from the U.S. Department of Housing and Urban Development.

The Housing Finance Agency shall report to the Joint Legislative Commission on Governmental Operations by April 1 of each year concerning the status of the HOME Program and shall include in the report information on priorities met, types of activities funded, and types of activities not funded.

(b) If the United States Congress changes the HOME Program such that matching funds are not required for a given program year, then the Agency shall not spend the matching funds appropriated under this act for that program year.

(c) Funds appropriated in this act to match federal HOME Program funds shall not revert to the General Fund on June 30, 1996, or on June 30, 1997.

Requested by: Senators Warren, Davis,
Representatives Ives, Lemmond, Culpepper

COUNCIL OF GOVERNMENT FUNDS

Sec. 9.4. (a) Of the funds appropriated in this act to the Office of State Planning, eight hundred sixty-four thousand two hundred seventy dollars ($864,270) for the 1995-96 fiscal year and eight hundred sixty-four thousand two hundred seventy dollars ($864,270) for the 1996-97 fiscal year shall only be used as provided by this section. Each regional council of government or lead regional organization is allocated up to forty-eight thousand fifteen dollars ($48,015) for each fiscal year, with the actual amount calculated as provided in subsection (b) of this section.

(b) The funds shall be allocated as follows: A share of the maximum forty-eight thousand fifteen dollars ($48,015) each fiscal year shall be allocated to each county and smaller city based on the most recent annual estimate of the Office of State Budget and Management of the population of that county (less the

population of any larger city within that county) or smaller city, divided by the sum of the total population of the region (less the population of larger cities within that region) and the total population of the region living in smaller cities. Those funds shall be paid to the regional council of government for the region in which that city or county is located upon receipt by the Office of State Planning of a resolution of the governing board of the county or city requesting release of the funds. If any city or county does not so request payment of funds by June 30 of a State fiscal year, that share of the allocation for that fiscal year shall revert to the General Fund.

(c) A regional council of government may use funds appropriated by this section only to assist local governments in grant applications, economic development, community development, support of local industrial development activities, and other activities as deemed appropriate by the member governments.

(d) Funds appropriated by this section may not be used for payment of dues or assessments by the member governments and may not supplant funds appropriated by the member governments.

(e) As used in this section, "Larger City" means an incorporated city with a population of 50,000 or over. "Smaller City" means any other incorporated city.

PART 10. OFFICE OF STATE BUDGET AND MANAGEMENT

Requested by: Senators Warren, Davis,
Representatives Ives, Lemmond, Culpepper

LINE ITEM BUDGETING CONTINUED

Sec. 10. (a) G.S. 143-11 reads as rewritten:

"**§ 143-11. Survey of departments.**

(a) On or before the fifteenth day of December, biennially in the even-numbered years, the Director shall make a complete, careful survey of the operation and management of all the departments, bureaus, divisions, officers, boards, commissions, institutions, and agencies and undertakings of the State and all persons or corporations who use or expend State funds, in the interest of economy and efficiency, and of obtaining a working knowledge upon which to base recommendations to the General Assembly as to appropriations for maintenance and special funds and capital expenditures for the succeeding biennium. If the Director and the Commission shall agree in their recommendations for the budget for the next biennial period, he shall prepare their report in the form of a proposed budget, together with such comment and recommendations as they may deem proper to make. If the Director and Commission shall not agree in substantial particulars, the Director shall prepare the proposed budget based on his own conclusions and judgment, and the Commission or any of its members retain the right to submit separately to the General Assembly such statement of disagreement and the particulars thereof as representing their views. The budget report shall contain a complete and itemized plan ~~in accordance with G.S. 143-10.3, 143-10.4, and 143-10.5~~ of all proposed expenditures for each State department, bureau, board, division, institution, commission, State agency or undertaking, person or corporation who receives or may receive for use and expenditure any State funds, in accordance with the classification of funds and accounts adopted by the State Controller, and of the estimated revenues and borrowings for each year in the ensuing biennial period beginning with the first day of July thereafter. Opposite each line item of the proposed expenditures, the budget shall show in separate parallel ~~columns the~~

~~amount expended for the last preceding fiscal year, for the current fiscal year, and the increase or decrease.~~ columns:

(1) Proposed expenditures and receipts for each fiscal year of the biennium;

(2) The certified budget for the preceding fiscal year;

(3) The currently authorized budget for the preceding fiscal year;

(4) Actual expenditures and receipts for the most recent fiscal year for which actual expenditure information is available; and

(5) Proposed increases and decreases.

Revenue and expenditure information shall be no less specific than the two-digit level in the State Accounting System Chart of Accounts as prescribed by the State Controller. The budget shall clearly differentiate between general fund expenditures for operating and maintenance, special fund expenditures for any purpose, and proposed capital improvements.

(b) The Director shall accompany the budget with:

(1) A budget message supporting his recommendations and outlining a financial policy and program for the ensuing biennium. The message will include an explanation of increase or decrease over past expenditures, a discussion of proposed changes in existing revenue laws and proposed bond issues, their purpose, the amount, rate of interest, term, the requirements to be attached to their issuance and the effect such issues will have upon the redemption and annual interest charges of the State debt.

(2) State Controller reports including:

a. An itemized and complete financial statement for the State at the close of the last preceding fiscal year ending June 30.

b. A statement of special funds.

(2a) A statement showing the itemized estimates of the condition of the State treasury as of the beginning and end of each of the next two fiscal years.

(3) A report on the fees charged by each State department, bureau, division, board, commission, institution, and agency during the previous fiscal year, the statutory or regulatory authority for each fee, the amount of the fee, when the amount of the fee was last changed, the number of times the fee was collected during the prior fiscal year, and the total receipts from the fee during the prior fiscal year.

(4) A statement showing the State Board of Education's request, in accordance with G.S. 115C-96, for sufficient funds to provide textbooks to public school students.

(5) A proposal for expenditure of the funds in the Repairs and Renovations Reserve Account, which is established in G.S. 143-15.3A. The Director shall consider the data from the Facilities Condition and Assessment Program in the Office of State Construction when establishing priorities for the proposed expenditure of these funds.

(6) Statements of the objections of members of the Council of State received pursuant to G.S. 143-10.3(b) to the performance measures, departmental operations plans, and indicators of program impact prepared in accordance with G.S. 143-10.3, 143-10.4, and 143-10.5.

(7) A list of the budget requests of members of the Council of State that are not included in the proposed budget.

It shall be a compliance with this section by each incoming Governor, at the first session of the General Assembly in his term, to submit the budget report with the message of the outgoing Governor, if he shall deem it proper to prepare such message, together with any comments or recommendations thereon that he may see fit to make, either at the time of the submission of the said report to the General Assembly, or at such other time, or times, as he may elect and fix.

The function of the Advisory Budget Commission under this section applies only if the Director of the Budget consults with the Commission in preparation of the budget."

(b) The Director of the Budget developed a plan for preparing the 1995–97 fiscal biennium budget in a performance budget format. That performance budget covers the program areas of health and safety, environment, correction, justice, social and economic well–being, and economic development and commerce. The performance budget format for those areas shall be continued, but the performance budget format shall not be expanded to cover any additional areas.

The Office of State Budget and Management shall report to the 1995 General Assembly, 1996 Regular Session, regarding the effectiveness of performance budgeting and shall also recommend whether performance budgeting should be continued, and if continued, any modifications that should be made to performance budgeting.

Requested by: Representatives Ives, Lemmond, Culpepper,
Senators Warren, Davis

ANALYSIS OF STATE GOVERNMENT ADMINISTRATIVE SPAN OF CONTROL

Sec. 10.1. The Office of State Budget and Management shall review and analyze the administrative span of control, or the ratio of supervisors to those supervised, exercised throughout State government, except for the Community College System and The University of North Carolina, to determine the average span of control, and to determine what the appropriate average should be. In this review, the Office of State Budget and Management shall consider the study produced for the 1993 General Assembly by the Government Performance Audit Committee on the issue of administrative span of control.

The Office of State Budget and Management shall report the results of this review, together with any recommendations, to the 1995 General Assembly, Regular Session 1996, within one week of its convening.

Requested by: Representatives Ives, Lemmond,
Senator Warren

REVIEW OF DEPARTMENT FORMS AND REPORTS

Sec. 10.2. Article 1 of Chapter 143 of the General Statutes, the Executive Budget Act, is amended by adding a new section to read:

"**§ 143–10.7. Review of department forms and reports.**

The Director, through the Office of State Budget and Management, shall review on three–year cycles all internal and external forms and reports in use by State departments and institutions to confirm whether these forms and reports continue to be needed. If, during the review process, it is determined that these forms and reports are no longer necessary, or that they duplicate other forms or reports either in whole or in part, the Director shall have these forms and reports

modified or eliminated. All departments shall provide the Director with copies of all forms and reports used, together with any additional information necessary for the review of these reports."

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

OSBM STUDY STATE–OWNED AIRCRAFT

Sec. 10.4. The Office of State Budget and Management shall study the use of State–owned aircraft and shall report the results of its study to the Joint Legislative Commission on Governmental Operations on or before April 1, 1996. The study shall include consideration of the following:

(1) For each Department, the number and type of aircraft, the number of pilots, and the number and type of support personnel for aircraft.
(2) For each Department, the budget for aircraft, the source of funding for aircraft, the number of hours the aircraft is available, and the number of hours the aircraft is used.
(3) The feasibility and desirability of consolidating any or all State–owned aircraft operations.
(4) The feasibility and desirability of sharing of aircraft by Departments.
(5) The feasibility and desirability of Departments' contracting for aircraft services rather than owning their own aircraft.
(6) Compilation and review of Departments' policies regarding authorized passengers on the aircraft and which Departmental personnel is responsible for determining which passengers are authorized.

Requested by: Representatives Holmes, Creech, Esposito,
Senator Warren

DOWNSIZING GOVERNMENT EXPENDITURES REPORT

Sec. 10.5. (a) The Office of State Budget and Management shall report any direct and any indirect expenditures incurred since July 1, 1994, that are related to the downsizing of State government to the Joint Legislative Commission on Governmental Operations by September 30, 1995.

(b) Expenditures reported on shall include payment for accumulated leave, severance pay, moving expenses for employment at another State government agency, and expenses or referral services performed by the Office of State Personnel and the Employment Security Commission.

(c) In addition to the report required by subsection (a) of this section, the Office of State Budget and Management shall present to the 1995 General Assembly by May 1, 1996, documentation of all expenditures defined in subsections (a) and (b) of this section and identification of the funding sources in both the 1994–95 fiscal year and the 1995–96 fiscal year for all these expenditures.

PART 11. DEPARTMENT OF ADMINISTRATION

Requested by: Representatives Ives, Lemmond,
Senator Warren

DOMESTIC VIOLENCE PROGRAMS

Sec. 11. All grantees receiving Domestic Violence grants from the Department of Administration shall meet the financial statement filing requirements of G.S. 143–6.1, regardless of the amount of their grants.

Requested by: Representatives Ives, Lemmond,
Senator Warren

TRANSFER EXECUTIVE MANSION CURATOR FROM DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF CULTURAL RESOURCES

Sec. 11.1. The position of Executive Mansion Curator (position number 4129–0101–0006–125) is transferred from the Department of Administration to the Department of Cultural Resources. This transfer will permit the Department of Cultural Resources to better maintain the historical personal properties of the Executive Mansion. This provision does not affect, in any way, the jurisdiction of the Department of Administration over the Executive Mansion and its grounds.

Requested by: Representatives Ives, Lemmond, Culpepper,
Senators Warren, Davis

TRANSFER NORTH CAROLINA ALLIANCE FOR COMPETITIVE TECHNOLOGIES (NCACTS)

Sec. 11.2. The North Carolina Alliance for Competitive Technologies (NCACTS) created by Executive Order No. 63 on September 26, 1994, is transferred from the Department of Administration to the Department of Commerce. All positions, property, unexpended balances of appropriations, allocations and other refunds, including the functions of budgeting and purchasing, for NCACTS are transferred from the Department of Administration to the Department of Commerce.

NCACTS shall report quarterly on its operations and performance to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division.

Requested by: Senators Ballance, Davis, Warren,
Representatives Culpepper, Ives, Justus, Lemmond, Thompson

STUDY OF REPLACEMENT OF MOTOR VEHICLES

Sec. 11.3. The Department of Administration shall study the obsolescence and replacement of motor vehicles, including those used by law enforcement agencies, to determine the optimal replacement time. The replacement time shall be stated as optimal mileage or cost of operating the vehicle. The study shall include a review of industry standards when determining optimal replacement time. The Department shall include safety and efficiency of motor vehicle operations as an integral part of the study. The Department shall report its findings and recommendations to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division by March 1, 1996.

Requested by: Senators Warren, Davis,
Representatives Ives, Lemmond, Culpepper

PARKING REVENUES

Sec. 11.4. The Secretary of Administration may use funds from parking revenues that are in excess of parking system expense requirements to fund the ten dollars ($10.00) per month subsidies for van pools and transit passes.

PART 12. DEPARTMENT OF CULTURAL RESOURCES

Requested by: Representatives Lemmond, Ives,
Senator Warren

REVIEW PLANS FOR STATE HISTORIC SITES REQUESTING STATE FUNDS

Sec. 12. G.S. 121–12 reads as rewritten:

"**§ 121–12. North Carolina Historical Commission.**

(a) Protection of Properties on National Register. — It shall be the duty of the Historical Commission, meeting at such times and according to such procedures as it shall by rule prescribe, to provide an advisory and coordinative mechanism in and by which State undertakings of every kind that are potentially harmful to the cause of historic preservation within the State may be discussed, and where possible, resolved, giving due consideration to the competing public interests that may be involved. To this end, the head of any State agency having direct or indirect jurisdiction over a proposed State or state–assisted undertaking, or the head of any State department, board, commission, or independent agency having authority to build, construct, operate, license, authorize, assist, or approve any State or state–assisted undertaking, shall, prior to the approval of any State funds for the undertaking, or prior to any approval, license, or authorization, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is listed in the National Register of Historic Places established pursuant to Public Law 89–665, 16 U.S.C. 470.

Where, in the judgment of the Commission, an undertaking will have an effect upon any listed district, site, building, structure, area, or object, the head of the appropriate State agency shall afford the Commission a reasonable opportunity to comment with regard to such undertaking.

The Historical Commission shall act with reasonable diligence to insure that all State departments, boards, commissions, or agencies potentially affected by the provisions of this section be kept currently informed with respect to the name, location, and other significant particulars of any district, site, building, structure, or object listed or placed upon the National Register of Historic Places. Each affected State department or agency shall furnish, either upon its own initiative or at the request of the Historical Commission such information as may reasonably be required by the Commission for the proper implementation of this section.

(b) Criteria for State Historic Properties. — The Commission shall prepare and adopt criteria for the evaluation of State historic sites and all other real and personal property which it may consider to be of such historic, architectural, archaeological, or cultural importance as would justify the acquisition and ownership thereof by the State of North Carolina, or for the extension of any assistance or aid thereto by the State, acting by itself or in connection with any county, city, corporation, organization, or individual. The Commission shall cooperate to the fullest practical extent with any local historical organization and with any city or county historic district properties commission. In evaluating whether a building should be a State historic site, the Commission shall request and review plans for the use and maintenance of the building.

(c) Criteria for State Aid to Historic Properties. — The Commission shall also prepare and adopt criteria for the evaluation of all properties of historic or archaeological importance owned by, under option to, or being considered for acquisition by a county, city, historic properties commission, or other organization or individual for which State aid or assistance is requested from the Department of

Cultural Resources. The Commission shall investigate, evaluate, and prepare a written report on all historic or archaeological property for which State aid or appropriations to be administered by the Department of Cultural Resources are proposed. If the property is a building, the Commission shall request and review the plans for the use, maintenance, operation, and purpose of the building and shall comment on the feasibility of the plans in the written report. This report, which shall be filed as a matter of record in the custody of the Department of Cultural Resources, shall set forth the following opinions or recommendations of the Commission:

(1) Whether the property is historically authentic;
(2) Whether it is of such educational, historical, or cultural significance as to be essential to the development of a balanced State program of historic and archaeological sites and properties;
(3) The estimated total cost of the project under consideration and the apportionment of said cost among State and nonstate sources;
(4) Whether practical plans have been or can be developed for the funding of the nonstate portion of the costs;
(5) Whether practical plans have been developed for the continued staffing, maintenance and operation of the property without State assistance;
(6) Such further comments and recommendations that the Commission may make.

(c1) Criteria for State Aid to Historical Museums. — The Commission shall also prepare and adopt criteria for the evaluation of all interpretive, security or climate control programs or projects to be installed in nonprofit history museums for which State aid or assistance is requested from the Department of Cultural Resources. The Commission shall investigate, evaluate, and prepare a written report on all interpretive, security, or climate control programs or projects for which State appropriations to be administered by the Department of Cultural Resources are proposed. This report, which shall be filed as a matter of record in the custody of the Department of Cultural Resources, shall set forth the following opinions or recommendations of the Commission:

(1) The statewide educational significance and the qualitative level of the program or project and whether the program or project is essential to the development of a State program of historical interpretation;
(2) The local or regional need for such a program or project;
(3) The estimated total cost of the program or project under consideration and the apportionment of said cost among State and nonstate sources;
(4) Whether practical plans have been or can be developed for the funding of the nonstate portions of the costs;
(5) Whether practical plans have been developed for the continued staffing, maintenance, and operating of the museum without State assistance; and
(6) Such further comments and recommendations that the Commission may make.

(d) Commission to Furnish Recommendations to Legislative Committees. — The Commission through the Department of Cultural Resources shall furnish as soon as practicable to the chairman of each legislative committee to which is

referred any bill seeking an appropriation of State funds to the Department of Cultural Resources for the purpose of acquiring, preserving, restoring, or operating, or otherwise assisting, any property having historic, archaeological, architectural, or other cultural value or significance, and to the chairman of each legislative committee to which is referred any bill seeking an appropriation of State funds to the Department of Cultural Resources for the purpose of assisting a history museum, at least five copies of a report on the findings and recommendations of the Commission relating to such property."

Requested by: Representatives Ives, Lemmond,
Senator Warren

REPEAL ART WORKS IN STATE BUILDINGS REQUIREMENT

Sec. 12.2. Article 47A of Chapter 143 of the General Statutes is repealed.

Requested by: Representatives Ellis, Ives, Lemmond, Culpepper,
Senators Warren, Davis

ARTS COUNCIL GRANTS

Sec. 12.4. Arts Council grants that are to be used for artworks shall include as a term of the grant that the artwork created with the grant funds shall not be displayed or performed in a publicly funded facility if the governing body of the community that would have zoning jurisdiction over the facility objects by resolution to the display or performance of the artwork in that community.

PART 13. DEPARTMENT OF INSURANCE

Requested by: Representatives Ives, Lemmond, Culpepper,
Senators Warren, Davis

UNBUDGETED INSURANCE RECEIPTS REVERT TO GENERAL FUND

Sec. 13. Departmental receipts realized by the Department of Insurance in excess of amounts approved for expenditure by the General Assembly, as adjusted by the Office of State Budget and Management to reflect the distribution of statewide reserves, shall revert to the General Fund at the end of each fiscal year.

Requested by: Representatives Ives, Lemmond, Culpepper,
Senators Warren, Davis

CONTINUATION OF FINANCIAL AUDIT OF THE DEPARTMENT OF INSURANCE

Sec. 13.2. The Office of State Auditor shall conduct a financial related audit of the Department of Insurance and its operations for the 1994–95 fiscal year. The audit shall be conducted in accordance with professional standards. The scope of the audit shall include, but is not limited to, following up on the findings and recommendations from the independent financial audit of the Department of Insurance contracted for pursuant to Section 9 of Chapter 769 of the 1993 Session Laws. The audit shall be completed on or before March 1, 1996.

PART 14. STATE BOARD OF ELECTIONS

Requested by: Representatives Ives, Lemmond,
Senator Warren

COMPETITIVE BIDS FOR PRINTING AND DISTRIBUTING BALLOTS

Sec. 14. G.S. 163–136(b)(3) reads as rewritten:

"(3) For all elections, primaries, and referenda not specified in the two preceding subdivisions, by the State Board of Elections, at the expense of the State.

Provided, that the State Board of Elections, in its discretion, may direct some or all counties to print the ballots required by this subdivision under the supervision of the State Board of Elections. If the State Board of Elections prints and distributes the ballots required by this subdivision at the expense of the State, the State Board shall ~~have the authority to negotiate for the ballots to be printed and distributed on a regional or centralized basis, and the State Board shall be exempt from securing competitive bids~~ establish contracts through competition pursuant to Article 3 of Chapter 143 of the General Statutes for printing and distribution of all ballots, abstracts and precinct return forms."

PART 15. COLLEGES AND UNIVERSITIES

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner

AID TO STUDENTS ATTENDING PRIVATE COLLEGES PROCEDURE

Sec. 15. (a) Funds appropriated in this act to the Board of Governors of The University of North Carolina for aid to private colleges shall be disbursed in accordance with the provisions of G.S. 116–19, 116–21, and 116–22. These funds shall provide up to five hundred fifty dollars ($550.00) per full–time equivalent North Carolina undergraduate student enrolled at a private institution as of October 1 each year.

These funds shall be placed in a separate, identifiable account in each eligible institution's budget or chart of accounts. All funds in this account shall be provided as scholarship funds for needy North Carolina students during the fiscal year. Each student awarded a scholarship from this account shall be notified of the source of the funds and of the amount of the award. Funds not utilized under G.S. 116–19 shall be for the tuition grant program as defined in subsection (b) of this section.

(b) In addition to any funds appropriated pursuant to G.S. 116–19 and in addition to all other financial assistance made available to private educational institutions located within the State, or to students attending these institutions, there is granted to each full–time North Carolina undergraduate student attending an approved institution as defined in G.S. 116–22, a sum, not to exceed one thousand two hundred fifty dollars ($1,250) per academic year, which shall be distributed to the student as hereinafter provided.

The tuition grants provided for in this section shall be administered by the State Education Assistance Authority pursuant to rules adopted by the State Education Assistance Authority not inconsistent with this section. The State Education Assistance Authority shall not approve any grant until it receives proper certification from an approved institution that the student applying for the grant is an eligible student. Upon receipt of the certification, the State Education Assistance Authority shall remit at such times as it shall prescribe the grant to the approved institution on behalf, and to the credit, of the student.

In the event a student on whose behalf a grant has been paid is not enrolled and carrying a minimum academic load as of the tenth classroom day

following the beginning of the school term for which the grant was paid, the institution shall refund the full amount of the grant to the State Education Assistance Authority. Each approved institution shall be subject to examination by the State Auditor for the purpose of determining whether the institution has properly certified eligibility and enrollment of students and credited grants paid on the behalf of the students.

In the event there are not sufficient funds to provide each eligible student with a full grant:

(1) The Board of Governors of The University of North Carolina, with the approval of the Office of State Budget and Management, may transfer available funds to meet the needs of the programs provided by subsections (a) and (b) of this section; and

(2) Each eligible student shall receive a pro rata share of funds then available for the remainder of the academic year within the fiscal period covered by the current appropriation.

Any remaining funds shall revert to the General Fund.

(c) Expenditures made pursuant to this section may be used only for secular educational purposes at nonprofit institutions of higher learning.

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner

WAKE FOREST AND DUKE MEDICAL SCHOOL ASSISTANCE/ FUNDING FORMULA

Sec. 15.1. Funds appropriated in this act to the Board of Governors of The University of North Carolina for continuation of financial assistance to the medical schools of Duke University and Wake Forest University shall be disbursed on certifications of the respective schools of medicine that show the number of North Carolina residents as first–year, second–year, third–year, and fourth–year students in each medical school as of November 1, 1995, and November 1, 1996. Disbursement to Wake Forest University shall be made in the amount of eight thousand dollars ($8,000) for each medical student who is a North Carolina resident, one thousand dollars ($1,000) of which shall be placed by the school in a fund to be used to provide financial aid to needy North Carolina students who are enrolled in the medical school. The maximum aid given to any student from this fund in a given year may not exceed the amount of the difference in tuition and academic fees charged by the school and those charged at the School of Medicine at the University of North Carolina at Chapel Hill.

Disbursement to Duke University shall be made in the amount of five thousand dollars ($5,000) for each medical student who is a North Carolina resident, five hundred dollars ($500.00) of which shall be placed by the school in a fund to be used to provide student financial aid to financially needy North Carolina students who are enrolled in the medical school. No individual student may be awarded assistance from this fund in excess of two thousand dollars ($2,000) each year. In addition to this basic disbursement for each year of the biennium, a disbursement of one thousand dollars ($1,000) shall be made for each medical student who is a North Carolina resident in the first–year, second–year, third–year, and fourth–year classes to the extent that enrollment of each of those classes exceeds 30 North Carolina students.

The Board of Governors shall establish the criteria for determining the eligibility for financial aid of needy North Carolina students who are enrolled in

the medical schools and shall review the grants or awards to eligible students. The Board of Governors shall adopt rules for determining which students are residents of North Carolina for the purposes of these programs. The Board shall also make any regulations as necessary to ensure that these funds are used directly for instruction in the medical programs of the schools and not for religious or other nonpublic purposes. The Board shall encourage the two schools to orient students towards primary care, consistent with the directives of G.S. 143–613(a). The two schools shall supply information necessary for the Board to comply with G.S. 143–613(d).

Requested by: Representatives Grady, Preston, Cummings,
Senators Plexico, Winner, Little

AID TO STUDENTS ATTENDING PRIVATE COLLEGES/ LEGISLATIVE TUITION GRANT LIMITATIONS

Sec. 15.2. (a) No Legislative Tuition Grant funds shall be expended for a program at an off–campus site of a private institution, as defined in G.S. 116–22(1), established after May 15, 1987, unless (i) the private institution offering the program has previously notified and secured agreement from other private institutions operating degree programs in the county in which the off–campus program is located or operating in the counties adjacent to that county or (ii) the degree program is neither available nor planned in the county with the off–campus site or in the counties adjacent to that county.

An "off–campus program" is any program offered for degree credit away from the institution's main permanent campus.

(b) Any member of the armed services as defined in G.S. 116–143.3(a), abiding in this State incident to active military duty, who does not qualify as a resident for tuition purposes as defined under G.S. 116–143.1, is eligible for a Legislative Tuition Grant pursuant to this section if the member is enrolled as a full–time student. The member's Legislative Tuition Grant shall not exceed the cost of tuition less any tuition assistance paid by the member's employer.

Requested by: Senators Plexico, Winner, Little,
Representatives Grady, Preston, Cummings

EQUITY OF FUNDING

Sec. 15.3. The Commission on the Quality of Education in The University of North Carolina reported to the General Assembly that the funding system for appropriations to each campus for continuing operations, which constitutes the majority of General Fund support to higher education, is not based on identifiable criteria that are measurable or that allow comparisons of adequacy of funding among the 16 campuses.

The Board of Governors of The University of North Carolina shall review the equity of the continuation budget funding system, and the equity of its methods of distributing the lump–sum expansion funds appropriated by the General Assembly. The Board of Governors shall assess the criteria that should be used in deriving an equitable funding system, such as comparisons of funding at like institutions, such factors as size of student body, the costs of the programs offered by each campus, the level of the student body (lower division, upper division, graduate), the resources required to meet the early college needs of entering students based on their relative preparations for college success, and any other factors deemed by the Board of Governors to be relevant to assuring successful student

outcomes. In carrying out this review, the Board of Governors shall consult with the Office of State Budget and Management.

After its review, the Board of Governors shall propose a system of funding to the General Assembly which uses identifiable criteria which are based on educationally and financially sound principles. If the Board of Governors recommends changes in the current funding system, it shall also propose a plan and schedule for moving to the recommended system. The Board of Governors shall report its progress to the Joint Legislative Education Oversight Committee by April 15, 1996, and shall report its final findings and recommendations to the Joint Legislative Education Oversight Committee and the House and Senate Appropriations Subcommittees on Education by November 15, 1996.

Requested by: Senators Plexico, Winner, Little,
Representatives Grady, Preston, Cummings

FULL–TIME EQUIVALENT STUDENTS (FTE)

Sec. 15.4. The Board of Governors of The University of North Carolina shall consider alternative approaches to funding University undergraduate and graduate enrollment, including the current funding of full–time equivalent students based on 12 semester hours annually for undergraduates, increasing this level to 15 semester hours annually, which would be consistent with graduating in four years, or funding the University on the basis of student credit hours rather than on full–time equivalent enrollment. The Board of Governors shall report its progress to the Joint Legislative Education Oversight Committee by April 15, 1996, and shall make its final recommendations regarding changes on enrollment funding to the Joint Legislative Education Oversight Committee and the House and Senate Appropriations Subcommittees on Education by November 15, 1996.

Requested by: Representatives Grady, Preston, Cummings,
Senators Plexico, Winner, Little

EDUCATIONAL OPPORTUNITY

Sec. 15.5. The Board of Governors of The University of North Carolina shall consider different funding approaches to meeting the needs of an increasing pool of high school graduates, as well as adult learners unable to return to a university campus for additional education. Such methods as funding additional credit hours above the current levels for summer school and for off–campus degree programs on a basis more comparable to the current regular term funding, the application of distance learning technologies, collaboration with the community colleges and the private colleges in the State, and other possibilities should be explored by the Board. The study shall consider the increased utilization of campus facilities, and it shall consider the use of financial resources and financial incentives to provide additional higher education opportunities at off–campus locations. The Board of Governors shall recommend a plan to provide for additional educational opportunities in the summer and at off–campus locations across the State, including any funding mechanisms necessary to accomplish these goals.

The Board of Governors shall report its progress to the Joint Legislative Education Oversight Committee by January 31, 1996, and shall make a final report of its findings and recommendations to the Joint Legislative Education Oversight Committee and the House and Senate Appropriations Subcommittees on Education by April 15, 1996.

Requested by: Representatives Grady, Preston, Cummings,
Senators Plexico, Winner, Little

INCENTIVE FUNDING

Sec. 15.6. The Board of Governors of The University of North Carolina shall study various methods to provide funding incentives for the campuses when they accomplish specifically stated performance goals in the improvement of the quality of undergraduate education. As a part of this study, the Board of Governors of The University of North Carolina shall consider whether the ability of the campuses to retain some portion of their reversions each year under current management flexibility statutes should be tied to specific institutional gains toward prestated student performance goals.

If the Board of Governors finds that incentive funding could be a positive element in the higher education funding system in North Carolina, the Board of Governors shall recommend a model for a proposed system of incentive funding to the Joint Legislative Education Oversight Committee and the House and Senate Appropriations Subcommittees on Education by April 15, 1996. A monitoring system to provide an evaluation of performance back to the Board of Governors and to the General Assembly shall be a part of any proposal. The Board may propose such a model in its future budget proposals to the Governor and the General Assembly.

Requested by: Senators Plexico, Winner, Little,
Representatives Grady, Preston, Cummings

EPA REDUCTIONS

Sec. 15.7. The Board of Governors of The University of North Carolina shall provide a list of all positions exempt from the State Personnel Act (EPA) to be eliminated by this act to the General Assembly by June 25, 1995. In preparing the list, the Board of Governors shall reduce EPA nonteaching positions on a pro rata basis, except for the constituent institutions. For the constituent institutions, the EPA nonteaching reductions shall be applied only to the extent that the full–time equivalent (FTE) EPA nonteaching positions per FTE student at each institution exceeds one one–hundredth of a position. EPA nonteaching positions in excess of one one–hundredth per FTE student shall be reduced on a pro rata basis. The Board of Governors shall reduce mid–level management positions, and shall avoid eliminating librarians, student advisors, financial aid counselors, and other positions which provide direct services to students, to the extent possible. Campuses or other entities without sufficient vacancies to implement this reduction may substitute positions subject to the State Personnel Act (SPA) or may reduce nonpersonnel budgetary items. Institutions must identify SPA positions or any items substituted by June 25, 1995, and must indicate why EPA vacancies were insufficient.

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner

CONTINUING EDUCATION UNC–CH HEALTH AFFAIRS

Sec. 15.8. The University of North Carolina at Chapel Hill Health Affairs shall charge continuing education fees that are reasonably expected to cover a higher percentage of the costs of those professional programs. Health care professionals in those areas that are likely to generate substantial revenue or clientele shall pay a higher proportion of costs for continuing education.

Requested by: Representatives Grady, Preston, Cummings, Senators Plexico, Winner, Little

REWARDING FACULTY TEACHING

Sec. 15.9. The Board of Governors shall design and implement a system to monitor faculty teaching workloads on the campuses of the constituent institutions.

The Board of Governors shall direct constituent institutions that teaching be given primary consideration in making faculty personnel decisions regarding tenure, teaching, and promotional decisions for those positions for which teaching is the primary responsibility. The Board shall assure itself that personnel policies reflect this direction.

The Board of Governors shall develop a plan for rewarding faculty who teach more than a standard academic load.

The Board of Governors shall review the procedures used by the constituent institutions to screen and employ graduate teaching assistants. The Board shall direct that adequate procedures be used by each constituent institution to ensure that all graduate teaching assistants have the ability to communicate and teach effectively in the classroom.

The Board of Governors shall report on the implementation of this section to the Joint Legislative Education Oversight Committee by April 15, 1996.

Requested by: Senators Plexico, Winner, Little, Representatives Grady, Preston, Cummings

STUDY POTENTIAL COST SAVINGS TO UNC THROUGH PRIVATIZATION OF CERTAIN SERVICES

Sec. 15.10. The Board of Governors of The University of North Carolina, in consultation with the constituent institutions and affiliated organizations, shall study the potential for cost savings by contracting for various services with private contractors, including housekeeping and maintenance of physical facilities.

East Carolina University is currently realizing savings from privatizing the management of its housekeeping services. The General Assembly has reviewed requests for funding to operate approximately 2.8 million square feet of new or renovated space for the 1995–97 biennium. With this amount of new space opening up, the potential for cost savings by initially contracting for certain services to operate these facilities appears worth reviewing.

The Board of Governors shall report on the potential for increased efficiency and budget savings from the use of private contractual services to the Joint Legislative Education Oversight Committee by April 15, 1996. The Board shall identify and include in its report that portion of any savings that is attributable to lower pay scales or lower workers' benefits paid by potential private contractors.

Requested by: Senators Plexico, Winner, Little, Representatives Grady, Preston, Cummings

COMPREHENSIVE PLAN FOR HIGHER EDUCATION ENROLLMENT

Sec. 15.12. (a) The Education Cabinet shall develop a comprehensive plan to meet the projected increase in higher education enrollments that result from the increased number of high school graduates and nontraditional students needing worker retraining. The plan shall address questions of capacity and potential increases in space utilization. The plan shall also consider several funding strategies to encourage more balanced enrollment, such as funding additional credit hours

above current levels for summer school and for off-campus degree programs, and incentive funding for private colleges to enroll more North Carolina residents.

The Education Cabinet shall also coordinate the planning efforts of the Board of Governors of The University of North Carolina, the Department of Community Colleges, and the North Carolina Association of Private and Independent Colleges and Universities to meet the projected increase in higher education enrollments.

A representative from the North Carolina Association of Private and Independent Colleges and Universities shall participate in the deliberations and decision-making of the Education Cabinet in accordance with G.S. 116C-1. The Board of Governors and the Department of Community Colleges shall provide staff assistance to the Education Cabinet in the development of the comprehensive plan. The Education Cabinet shall estimate the fiscal impact of all alternatives and proposals for dealing with the projected enrollment.

The Education Cabinet shall make a preliminary report on the comprehensive plan to the Joint Education Oversight Committee by April 15, 1996, and shall submit a final report to the Committee by November 15, 1996.

(b) G.S. 116C-1(b) reads as rewritten:

"(b) The Education Cabinet shall consist of the Governor, who shall serve as chair, the President of The University of North Carolina, the State Superintendent of Public Instruction, the Chairman of the State Board of Education, and the President of the North Carolina Community College System. The Education Cabinet shall invite representatives of private education to participate in its deliberations as adjunct members."

Requested by: Senators Plexico, Winner, Little,
Representatives Grady, Preston, Cummings

INSTITUTE OF GOVERNMENT BUDGET CATEGORIES

Sec. 15.13. The Institute of Government's faculty hold regular full-time faculty appointments in the Institute and devote their full time to teaching, consulting, and engaging in research and writing that supports and informs their teaching and consulting activities. In recognition of the Institute's status as a regular free-standing academic unit of the University of North Carolina at Chapel Hill that makes its own faculty appointments and conducts its own program of teaching, research, and consultation, the Director of the Budget shall transfer the budget appropriations in the Institute of Government from Purpose Code 142 to Purpose Code 105 and shall transfer its budget appropriations for teaching faculty salaries from Object Code 1110 to Object Code 1310. The transfer shall become effective July 1, 1995, and shall apply beginning with the 1995-97 biennial budget and hereafter.

PART 16. COMMUNITY COLLEGES

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner

BOOKS AND EQUIPMENT APPROPRIATIONS/REVERT AFTER ONE YEAR

Sec. 16. G.S. 115D-31 is amended by adding a new subsection to read:

"(c) State funds appropriated to the State Board of Community Colleges for equipment and library books shall revert to the General Fund 12 months after the close of the fiscal year for which they were appropriated. Encumbered balances

outstanding at the end of each period shall be handled in accordance with existing State budget policies. The Department shall identify to the Office of State Budget and Management the funds that revert at the end of the 12 months after the close of the fiscal year."

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner

COMMUNITY COLLEGE FUNDING FLEXIBILITY

Sec. 16.1. A local community college may use all State funds allocated to it, except for Literacy Funds and Funds for New and Expanding Industries, for any authorized purpose that is consistent with the college's Institutional Effectiveness Plan. Each local community college shall submit an Institutional Effectiveness Plan that indicates to the State Board of Community Colleges how the college will use this funding flexibility to meet the demands of the local community and maintain a presence in all previously funded categorical programs.

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner

COURSE REPETITION POLICY FOR FIRE, RESCUE, AND POLICE PERSONNEL

Sec. 16.2. The course repetition policy adopted by the State Board of Community Colleges in accordance with Section 102(a) of Chapter 321 of the 1993 Session Laws does not apply to fire, rescue, or law enforcement training courses taken by fire, rescue, or law enforcement personnel.

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner

PENALTY FOR AUDIT EXCEPTIONS MODIFIED

Sec. 16.3. The audit policies of the State Board of Community Colleges shall provide that if a community college is in violation of a State or federal law or of a State Board rule or policy, the program auditors shall cite the college for an audit exception and not a concern. The State Board shall assess a twenty-five percent (25%) fiscal penalty in addition to the audit exception on all audits of both dollars and student membership hours excepted, unless the State Board finds that the audit exception was caused only by a processing or clerical error; no penalty shall be assessed in the case of a processing or clerical error.

The president of each community college shall present the findings of the college's program audit to the board of trustees of the college.

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner

MULTI-ENTRY/MULTI-EXIT CLASSES IN PRISONS AUTHORIZED

Sec. 16.4. G.S. 115D-5(c1) reads as rewritten:

"(c1) Community colleges shall report full-time equivalent (FTE) student hours for correction education programs on the basis of contact hours rather than student membership hours. No community college shall operate a multi-entry/multi-exit class or program in a prison ~~facility.~~ facility, except for a literacy class or program.

The State Board shall work with the Department of Correction on offering classes and programs that match the average length of stay of an inmate in a prison facility."

Requested by: Representatives Grady, Preston, Cummings,
Senators Plexico, Little, Winner

MODIFY 1994–95 FACULTY SALARY LIMITATIONS

Sec. 16.5. (a) Section 18.6 of Chapter 769 of the 1993 Session Laws is repealed.

(b) Funds appropriated by the General Assembly for the 1995–96 fiscal year for the purpose of community college faculty salary increases shall be used only to provide community college faculty with salary increases.

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner

CENSUS REPORTING DATES

Sec. 16.6. (a) For the 1995–96 fiscal year, the census dates for reporting student membership hours for curriculum and occupational extension classes shall be at the thirty percent (30%) point of the class and at the ten percent (10%) point of the class which typically coincides with the end of each college's drop–add period. It is the intent of the General Assembly to determine during the Regular 1996 Session which census date shall be used in computing FTE enrollment.

(b) This section does not apply to courses offered on a contact–hour basis.

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner

STATE BOARD RESERVE FUNDS

Sec. 16.7. The State Board of Community Colleges shall use one–half of its Board Reserve for the 1995–96 fiscal year for expenses incurred during the North Carolina Community College System's conversion from the quarter credit system to the semester credit system.

PART 17. PUBLIC SCHOOLS

Requested by: Representatives Grady, Preston,
Senators Winner, Plexico

PUBLIC SCHOOLS WORKERS' COMPENSATION

Sec. 17. (a) Salaries for positions that are funded partially from the General Fund or Highway Fund and partially from sources other than the General Fund or Highway Fund shall be increased from the General Fund or Highway Fund appropriation only to the extent of the proportionate part of the salaries paid from the General Fund or Highway Fund.

(b) G.S. 115C–337(a) reads as rewritten:

"(a) Workers' Compensation Act Applicable to School Employees. — The provisions of the Workers' Compensation Act shall be applicable to all school employees, and the State Board of Education shall make ~~such~~ arrangements ~~as~~ necessary to carry out the provisions of the Workers' Compensation Act applicable to ~~such~~ these employees paid from State school funds. Liability of the State for compensation shall be confined to school employees paid by the State from State school funds for injuries or death caused by accident arising out of and in the course of their employment in connection with the state–operated school term. The State shall be liable for ~~said~~ this compensation on the basis of the average weekly wage of ~~such~~ the employees as defined in the Workers' Compensation Act, ~~whether all of said compensation for the school term is paid from State funds or in part~~

~~supplemented by local funds.~~ to the extent of the proportionate part of each employee's salary that is paid from State funds. The State shall also be liable for workers' compensation for all school employees employed in connection with the teaching of vocational agriculture, home economics, trades and industries, and other vocational subjects, supported in part by State and federal funds, which liability shall cover the entire period of service of ~~such employees.~~ these employees, to the extent of the proportionate part of each employee's salary that is paid from State funds. The local school administrative units shall be liable for workers' compensation for school employees, including lunchroom employees, whose salaries or wages are paid by ~~such~~ the local units from local or special funds. ~~Such~~ The local units ~~are authorized and empowered to~~ may provide insurance to cover ~~such~~ this compensation liability and to include the cost of ~~such~~ this insurance in their annual budgets.

The provisions of this subsection shall not apply to any person, ~~firm~~ firm, or corporation making voluntary contributions to schools for any purpose, and ~~such~~ the person, firm, or corporation shall not be liable for the payment of any sum of money under this Chapter."

Requested by: Representatives Grady, Preston,
Senators Winner, Plexico

USE OF SUBSTITUTE TEACHER FUNDS FOR LEAVE FROM SICK LEAVE BANKS

Sec. 17.1. State funds for substitute teachers shall be used to pay for substitute teachers on days that teachers use sick leave from voluntary sick leave banks established in accordance with G.S. 115C-336(b).

Requested by: Representatives Grady, Preston,
Senator Plexico

OUTCOME-BASED EDUCATION PROGRAM REPEALED

Sec. 17.2. Part 5 of Article 16 of Chapter 115C of the General Statutes is repealed.

Requested by: Senators Winner, Plexico, Little,
Representatives Grady, Preston, Cummings

CAREER DEVELOPMENT

Sec. 17.3. (a) Funds appropriated to the State Board of Education for local school administrative units receiving career development funds for the 1995-96 and 1996-97 fiscal years shall be used only to ensure that individual employees do not receive less on a monthly basis in salary and State-funded bonuses during the 1995-96 fiscal year or during the 1996-97 fiscal year than they received on a monthly basis during the 1994-95 fiscal year, so long as the employees qualify for bonuses under the local differentiated pay plan. The State Board of Education may also use funds appropriated to State Aid to Local School Administrative Units for the 1995-96 and 1996-97 fiscal years as is necessary to hold individual employees harmless as provided in this subsection.

(b) Funds appropriated for local school administrative units receiving career development funds for the 1994-95 fiscal year that did not revert on June 30, 1995, shall not be used for expenses other than the costs of holding individual employees harmless as provided in subsection (a) of this section.

(c) If funds are necessary to hold teachers harmless after the 1996–97 fiscal year, the General Assembly urges the Governor to include these funds in the continuation budget request.

Requested by: Representatives Grady, Preston,
Senators Winner, Plexico

TEACHER LEAVE IN CASES OF CATASTROPHIC ILLNESS

Sec. 17.4. G.S. 115C–336 is amended by adding a new subsection to read:

"(c) The State Board of Education shall also adopt rules and regulations to authorize an employee who requires a substitute to use annual leave on days that students are in attendance if the employee has exhausted all of the employee's sick leave and if the employee's absence is due to the catastrophic illness of the employee. The employee shall not be required to pay the substitute."

Requested by: Senators Winner, Plexico, Little,
Representatives Grady, Preston, Cummings

IMPLEMENTATION OF THE REORGANIZATION OF THE DEPARTMENT OF PUBLIC INSTRUCTION

Sec. 17.5. Notwithstanding G.S. 143–23 or any other provision of law, the State Board of Education shall reorganize the Department of Public Instruction in accordance with the reorganization plan adopted by the State Board of Education and submitted to the General Assembly in May 1995, and to implement the base budget reduction in this act of nine million three hundred eighteen thousand four hundred thirty–six dollars ($9,318,436) for the 1995–96 fiscal year and ten million six hundred sixty–five thousand two hundred twenty dollars ($10,665,220) for the 1996–97 fiscal year.

Requested by: Senators Winner, Plexico, Little,
Representatives Grady, Preston, Cummings

LEGISLATIVE INTENT TO USE SAVINGS FROM THE REORGANIZATION OF THE DEPARTMENT OF PUBLIC INSTRUCTION FOR EXPANSION BUDGET APPROPRIATIONS FOR THE PUBLIC SCHOOLS

Sec. 17.6. It is the intent of the General Assembly to appropriate in the expansion budget for the 1995–97 fiscal biennium for State Aid to Local School Administrative Units all funds saved in this act by reorganizing the Department of Public Instruction. These funds shall be used for classroom services for pupils only.

Requested by: Senators Winner, Plexico, Little,
Representatives Grady, Preston, Cummings

TRANSFER FUNDS FOR TACS TO LOCAL SCHOOL ADMINISTRATIVE UNITS

Sec. 17.7. Effective July 1, 1996, the State Board of Education shall reallocate funds from Technical Assistance Centers to local school administrative units in accordance with a formula adopted by the State Board. Local boards of education may use these funds to contract with Technical Assistance Centers, contract with other entities, hire personnel, or otherwise acquire staff development, training, planning, and other forms of technical assistance.

The Technical Assistance Centers shall be funded solely by receipts from local boards of education and from other non–State sources. The State Board

shall establish a management structure for the Technical Assistance Centers that enables superintendents, principals, and teachers from the local school administrative units to be served by the Centers to have input into the priorities and personnel decisions at the Centers.

Requested by: Senators Plexico, Winner, Little,
Representatives Grady, Preston, Cummings

SITE-BASED MANAGEMENT TASK FORCE/STAFF

Sec. 17.8. (a) Effective July 1, 1995, G.S. 115C-238.7 reads as rewritten:

"**§ 115C-238.7. Creation of the Task Force on Site-Based ~~Management; appointment of a Director of the Task Force of Site-Based Management.~~ Management.**

(a) There is created the Task Force on Site-Based Management ~~within the Department of Public Instruction.~~ under the State Board of Education.

The Task Force shall be composed of ~~21~~ 20 members appointed as follows:

(1) The Superintendent of Public Instruction;

(2) One member of the State Board of Education appointed by the State Board of Education;

(3) Two members of the Senate appointed by the President *Pro Tempore* of the Senate;

(4) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(5) One member of a local board of education appointed by the President *Pro Tempore* of the Senate after receiving recommendations from The North Carolina State School Boards Association, Inc.;

(6) One member of a local board of education appointed by the Speaker of the House of Representatives after receiving recommendations from The North Carolina State School Boards Association, Inc.;

(7) One local school superintendent appointed by the President *Pro Tempore* of the Senate after receiving recommendations from the North Carolina Association of School Administrators;

(8) One local school superintendent appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of School Administrators;

(9) One school principal appointed by the President *Pro Tempore* of the Senate after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators of the North Carolina Association of Educators;

(10) One school principal appointed by the Speaker of the House of Representatives after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators of the North Carolina Association of Educators;

(11) One school teacher appointed by the President *Pro Tempore* of the Senate after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.;

(12) One school teacher appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.;

~~(13) The Director of the Task Force on Site-Based Management, appointed by the Superintendent of Public Instruction in accordance with subsection (d) of this section;~~

(14) One parent of a public school child appointed by the Superintendent of Public Instruction;

(15) Two at-large members appointed by the Superintendent of Public Instruction;

(16) One representative of business and industry appointed by the Governor;

(17) One representative of institutions of higher education appointed by the Board of Governors of The University of North Carolina; and

(18) One county commissioner appointed by the Superintendent of Public Instruction after receiving recommendations from the North Carolina Association of County Commissioners.

Members of the Task Force shall serve for two-year terms.

All members of the Task Force shall be voting members. Vacancies in the appointed membership shall be filled by the officer who made the initial appointment. The ~~Director of the~~ Task Force on Site-Based Management shall select a member of the Task Force to serve as chair of the Task Force.

Members of the Task Force shall receive travel and subsistence expenses in accordance with the provisions of G.S. 120-3.1, G.S. 138-5, and G.S. 138-6.

(b) The Task Force shall:

(1) ~~Monitor~~ Advise the State Board of Education on the implementation of the School Improvement and Accountability Act of 1989, as amended, especially the development and implementation of building-level plans;

(2) Advise the ~~Director of the Task Force on Site-Based Management~~ State Board of Education on how to provide training and assistance to the public schools so as to facilitate the implementation of site-based management;

(3) Review publications produced by the Department of Public Instruction on the development and implementation of building-level plans;

(4) Report annually to the ~~General Assembly and the Joint Legislative Education Oversight Committee~~ State Board of Education on the implementation of site-based management in the public schools on the first Friday in December. This report may contain a summary of recommendations for changes to any law, rule, and policy that would improve site-based management.

(c) The Department of Public Instruction ~~shall~~ shall, with the approval of the State Board of Education, provide staff to the Task Force at the request of the Task Force.

(d) The ~~State Superintendent of Public Instruction~~ State Board of Education shall appoint a Director of the Task Force on Site-Based Management. ~~The Director shall direct a program in the Department of Public Instruction to provide training and assistance to the public schools to facilitate the implementation of site-based management.~~

~~The Director shall supervise such site-based management specialists from each of the six technical assistance centers of the Department of Public Instruction as may be assigned by the State Superintendent. The specialists shall work directly~~

~~with the local school administrative units and with school-based committees to provide them with training and assistance to facilitate the implementation of site-based management. The specialists shall coordinate their activities with the central office.~~"

(b) The State Board of Education shall develop a plan for the reconfiguration of staff development activities, with an emphasis on assistance to schools.

Requested by: Senators Plexico, Winner, Little,
Representatives Grady, Preston, Cummings

TEACHER ACADEMY TRANSFER/UNC LEADERSHIP PROGRAMS

Sec. 17.9. (a) The Task Force on Teacher Staff Development established by Section 141 of Chapter 321 of the 1993 Session Laws, all funds appropriated by the General Assembly for the Task Force and the Teacher Academy Program, and all resources and personnel provided for the Task Force and the Teacher Academy Program by the Department of Public Instruction are transferred from the Department of Public Instruction to The University of North Carolina. This transfer shall have all of the elements of a Type I transfer, as that term is defined in G.S. 143A-6(a). Where a conflict arises in connection with the transfer, the transfer shall be resolved by the Governor, and the decision of the Governor shall be final.

The Task Force is renamed the North Carolina Teacher Academy Board of Trustees.

The Board of Governors of The University of North Carolina shall delegate to the Board of Trustees all the powers and duties the Board of Governors considers necessary or appropriate for the effective discharge of the functions of the North Carolina Teacher Academy.

(b) Subsection (g) of Section 141 of Chapter 321 of the 1993 Session Laws is repealed.

(c) The North Carolina Teacher Academy Board of Trustees shall establish a statewide network of high quality, integrated, comprehensive, collaborative, and substantial professional development for teachers, which shall be provided through summer programs.

(d) The Board of Trustees shall consist of 20 members appointed as follows:

(1) The Superintendent of Public Instruction or the Superintendent's designee;

(2) One member of the State Board of Education appointed by the Chair of the State Board;

(3) One member of the Board of Governors of The University of North Carolina appointed by the Chair of the Board of Governors;

(4) The Director of the North Carolina Center for the Advancement of Teaching;

(5) Two deans of Schools of Education appointed by the President of The University of North Carolina;

(6) Four public school teachers appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, one of whom teaches in preschool through grade 2, one of whom teaches in grades 3 through 5, one of whom teaches in grades 6 through 8, and one of whom teaches in grades 9 through 12;

(7) Four public school teachers appointed by the General Assembly upon the recommendation of the President *Pro Tempore* of the Senate in accordance with G.S. 120–121, one of whom teaches in preschool through grade 2, one of whom teaches in grades 3 through 5, one of whom teaches in grades 6 through 8, and one of whom teaches in grades 9 through 12;

(8) Two public school teachers appointed by the Governor;

(9) One superintendent of a local school administrative unit appointed by the Governor;

(10) Two public school principals appointed by the Governor; and

(11) The President of the North Carolina Association of Independent Colleges and Universities, or a designee.

(e) Members appointed prior to September 1, 1995, shall serve until June 30, 1997, except that the terms of members appointed pursuant to subdivisions (6) and (7) of subsection (d) of this section shall expire June 30, 1995. Subsequent appointments shall be for four–year terms, except that two of the members appointed by the 1995 General Assembly pursuant to subdivision (6) of subsection (d) of this section and two of the members appointed by the 1995 General Assembly pursuant to subdivision (7) of subsection (d) of this section shall serve for two–year terms.

Members may serve two consecutive four–year terms.

Legislative appointments shall be made in accordance with G.S. 120–121. A vacancy in a legislative appointment shall be filled in accordance with G.S. 120–122.

The Board of Trustees shall elect a new chair every two years from its membership. The chair may serve two consecutive two–year terms as chair.

(f) The chief administrative officer of the Teacher Academy shall be a director appointed by the Board of Trustees.

(g) The Board of Trustees shall collaborate and coordinate its programming with NCCAT.

(h) The Board of Trustees shall report on its summer programs to the Joint Legislative Education Oversight Committee prior to November 1, 1995.

(i) G.S. 120–123 is amended by adding a new subdivision to read:

"~~(63) The Teacher Academy Board of Trustees, as established by Section 17.9 of House Bill 229 of the 1995 General Assembly.~~"

(j) This section becomes effective September 1, 1995, except that the General Assembly may make appointments pursuant to subsection (d) of this section prior to September 1, 1995.

Sec. 17.9A. The Board of Governors of The University of North Carolina shall study the operation, organization, and governance of the programs operated by the Board, affiliated entities, or its constituent institutions, that provide ongoing professional development and continuing education for public school teachers and administrators. The Board shall include in its study the North Carolina Center for the Advancement of Teaching, the Teacher Academy, the Principals' Executive Program, the Math–Science Education Network, and other groups identified by the Board. The Board shall develop a plan for the provision of continuing education and professional development for public school teachers and administrators, including location and governance of the various functions. The Board shall consult with the State Board of Education in developing this plan.

The Board shall report the results of its study and plan to the Joint Education Oversight Committee by April 15, 1996.

Requested by: Senators Plexico, Winner, Little,
Representatives Grady, Preston, Cummings

COSTS OF REORGANIZATION

Sec. 17.10. The State Board of Education, with the approval of the Director of the Budget, shall use funds from the following sources to cover the costs incurred in accordance with G.S. 126–4(7a) related to the separation of Department of Public Instruction employees and the salaries and support of any positions that will be eliminated prior to January 1, 1996:

(1) Refunds from local school administrative units of funds allocated for the 1994–95 fiscal year; and

(2) Funds carried forward from the 1994–95 fiscal year from State Aid to Local School Administrative Units.

If these funds are not adequate to cover the costs, the State Board may also use unexpended funds appropriated for the 1995–96 fiscal year for State Aid to Local School Administrative Units.

Requested by: Senators Winner, Plexico, Little,
Representatives Grady, Preston, Cummings

CHILD NUTRITION SERVICES

Sec. 17.11. (a) The 16 personnel positions in the Department of Public Instruction that have responsibility in the areas of the Child and Adult Food Program and the Summer Food Program are transferred from Department of Public Instruction to the Maternal and Child Health Section of the Department of Environment, Health, and Natural Resources.

Where a conflict arises in connection with the transfer, the transfer shall be resolved by the Governor, and the decision of the Governor shall be final.

(b) This section becomes effective October 1, 1995.

Requested by: Senators Winner, Plexico, Little,
Representatives Grady, Preston, Cummings

TRANSFER OF NORTH CAROLINA EDUCATION STANDARDS AND ACCOUNTABILITY COMMISSION

Sec. 17.12. (a) The North Carolina Education Standards and Accountability Commission is transferred from the Office of the Governor to the State Board of Education. This transfer shall have all of the elements of a Type II transfer, as that term is defined in G.S. 143A–6(b).

(b) G.S. 115C–105.1 reads as rewritten:

"**§ 115C–105.1. Creation of the Commission.**

The General Assembly believes that all children can learn. The General Assembly further believes that all graduates of North Carolina public schools should have mastered the skills required to become productive members of the workforce and succeed in life. The General Assembly further believes that having a highly qualified workforce is essential to strengthening North Carolina's competitive position in the modern world economy, improving workforce productivity, and ensuring a more prosperous future for all our citizens. With that mission as its guide, the General Assembly creates the North Carolina Education Standards and Accountability Commission.

The Commission shall be located administratively ~~in the Office of the Governor~~ under the State Board of Education but shall exercise all its prescribed statutory powers independently of the ~~Office of the Governor.~~ State Board of Education."

Requested by: Senators Winner, Plexico, Little,
Representatives Grady, Preston, Cummings

TRANSFER OF NORTH CAROLINA STANDARDS BOARD FOR PUBLIC SCHOOL ADMINISTRATION

Sec. 17.13. (a) The North Carolina Standards Board for Public School Administration is transferred from the Office of the Governor to the State Board of Education. This transfer shall have all of the elements of a Type II transfer, as that term is defined in G.S. 143A–6(b).

(b) G.S. 115C–290.4(a), as rewritten by Chapter 116 of the 1995 Session Laws, reads as rewritten:

"(a) The North Carolina Standards Board for Public School Administration is created. The Standards Board shall be located for administrative purposes in the ~~Office of the Governor.~~ State Board of Education. The Standards Board shall exercise its powers independently of ~~that Office.~~ the State Board of Education."

Requested by: Senators Winner, Plexico, Little,
Representatives Grady, Preston, Cummings

REPORTS ON REORGANIZATION

Sec. 17.14. The State Board of Education shall report on a quarterly basis, beginning September 1, 1995, to the Joint Legislative Education Oversight Committee on its progress in reorganizing the Department of Public Instruction, transfers of funds and positions necessitated by the reorganization, and recommended statutory changes necessary to enable the Board to complete the reorganization and to implement the Board's proposed accountability model.

Requested by: Senators Winner, Plexico, Hartsell, Little,
Representatives Grady, Preston, Cummings

SUBSTITUTE TEACHER PAY

Sec. 17.15. (a) G.S. 115C–12(8) reads as rewritten:

"(8) Power to Make Provisions for Sick ~~Leave~~. Leave and for Substitute Teachers. — The Board shall provide for ~~a minimum of five days per school year term of~~ sick leave with pay for all public school employees in accordance with the provisions of this Chapter and shall promulgate rules and regulations providing for necessary substitutes on account of ~~said~~ sick ~~leave.~~ leave and other teacher absences.

The pay for a substitute shall be fixed by the Board. If a teacher assistant assigned to a classroom in kindergarten through third grade acts as a substitute teacher for that classroom, the salary of the teacher assistant for the day shall be the same as the daily salary of an entry–level teacher with an 'A' certificate.

The Board may provide to each local school administrative unit not exceeding one percent (1%) of the cost of instructional services for the purpose of providing substitute teachers for those on sick leave as authorized by law or by regulations of the Board, but not exceeding the provisions made for other State employees."

(b) Substitute teachers who are not certified as teachers but have worked as teacher assistants in the public schools shall be paid at the same rate as

substitute teachers who are not certified as teachers but have previously taken teacher effectiveness training.

PART 18. DEPARTMENT OF TRANSPORTATION

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

GENERAL SERVICES FOR THE DEPARTMENT OF TRANSPORTATION CONSOLIDATED

Sec. 18. The Facilities Management Branch of the Division of Highways and the General Services Branch of the Division of Motor Vehicles shall be merged into the General Services Division of the Department of Transportation. The Department of Transportation shall report to the Joint Legislative Transportation Oversight Committee on or before October 31, 1995, concerning the merger of these three agencies and the savings resulting from the consolidation and elimination of duplication.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

ADOPT-A-HIGHWAY PROGRAM

Sec. 18.1. Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-140.1. Adopt-A-Highway.**

(a) Notwithstanding any other provision of this Article, the Department of Transportation may permit individuals or groups participating in its Adopt-A-Highway Program access to controlled access facilities for the purpose of removing litter from the right-of-way. Acknowledgment of participation in the program may be indicated by appropriate signs that shall be owned, controlled, and erected by the Department of Transportation. The size, style, specifications, and content of the signs shall be determined in the sole discretion of the Department of Transportation. The Department of Transportation may issue rules and policies necessary to administer the program.

(b) Adopt-A-Highway participants may use contract services to clean the roadside of the sections of highway the participants have adopted only in accordance with the rules and policies issued by the Department of Transportation."

Requested by: Representatives Barbee, Bowie,
Senators Hoyle, Hartsell

RAILROAD DIVIDEND USES SUBMITTED AS PART OF ANNUAL DEPARTMENT OF TRANSPORTATION BUDGET

Sec. 18.2. G.S. 136-16.6 reads as rewritten:

"**§ 136-16.6. Continuing rail appropriations.**

(a) There is annually appropriated one hundred percent (100%) of the annual dividends received in the prior fiscal year by the State from its ownership of stock in the North Carolina Railroad Company ~~and the Atlantic and North Carolina Railroad Company~~ to the Highway Fund for use by the Department of Transportation for railroad purposes.

(b) The Department of Transportation shall include in its annual budget the purposes for which the annual dividends received by the State from its ownership of stock in the North Carolina Railroad Company will be used.

These purposes may include the following project types to be included in the annual Transportation Improvement Program:

(1) Track and signal improvements for passenger service.
(2) Rail passenger stations and multimodal transportation centers.
(3) Grade crossing protection, elimination, and hazard removal.
(4) Rail rolling stock cars and locomotives.
(5) Rail rehabilitation.
(6) Industrial rail access.

The Department of Transportation shall use these funds to supplement but not supplant funds allocated for projects approved as part of the Transportation Improvement Program."

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

GLOBAL TRANSPARK AUTHORITY TO REIMBURSE HIGHWAY FUND FROM FEDERAL SOURCES

Sec. 18.3. When funds are provided from the Highway Fund to the Global TransPark Authority for environmental impact statements or assessments and the Global TransPark Authority applies for and receives reimbursement for those expenses from federal sources up to one million eight hundred thousand dollars ($1,800,000), the federal reimbursements shall be paid over by the Global TransPark Authority into the Highway Fund within 30 days of receipt. These funds shall be allocated to State-funded maintenance appropriations in the manner approved by the Board of Transportation.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

AIRCRAFT AND FERRY ACQUISITIONS

Sec. 18.4. Before approving the purchase of an aircraft from the Equipment Fund or a ferry in a Transportation Improvement Program, the Board of Transportation shall prepare an estimate of the operational costs and capital costs associated with the addition of the aircraft or ferry and shall report those additional costs to the General Assembly pursuant to G.S. 136-12(b), and to the Joint Legislative Commission on Governmental Operations.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

SOME FERRY OPERATIONAL FUNDS REVERTED

Sec. 18.5. Of the unencumbered funds appropriated for Ferry Operations as of June 30, 1995, two hundred thousand dollars ($200,000) shall revert to the Highway Fund.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

DEPARTMENT OF TRANSPORTATION TO PAY DEPARTMENT OF CORRECTION ONLY FOR ACTUAL MEDIUM CUSTODY INMATE LABOR

Sec. 18.6. The Department of Transportation shall pay the Department of Correction only for the actual labor performed by medium custody inmates.

Requested by: Senators Hoyle, Hartsell,
Representatives Barbee, Bowie

VISITOR CENTER OPERATIONAL FUNDS

Sec. 18.7. (a) G.S. 20–79.7(c)(2) reads as rewritten:

"(2) From the funds remaining in the Special Registration Plate Account after the deductions in accordance with subdivision (1) of this subsection, there is appropriated from the Special Registration Plate Account the sum of ~~three hundred twenty-five thousand dollars ($325,000) for the 1993-94 fiscal year and the sum of three hundred seventy-five thousand dollars ($375,000) for the 1994-95 fiscal year~~ four hundred fifty thousand dollars ($450,000) for the 1995–96 fiscal year to provide operating assistance for the Visitor and Welcome Centers:

a. on U.S. Highway 17 in Camden County, ($75,000);
b. on U.S. Highway 17 in Brunswick County, ($75,000);
c. on U.S. Highway 441 in Macon County, ($75,000);
d. in the Town of Boone, Watauga County, ($75,000); ~~and~~
e. on U.S. Highway 29 in Caswell County, ~~($25,000) for the 1993-94 fiscal year and ($75,000) for the 1994-95 fiscal year.~~ ($75,000); and
f. on U.S. Highway 70 in Carteret County, ($75,000)."

(b) The Joint Legislative Transportation Oversight Committee shall investigate the continued use of the Special Registration Plate Fund as a source of operational funds for visitors centers and shall report the results of that investigation to the 1996 Session of the General Assembly.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

HIGHWAY FUND ALLOCATIONS BY CONTROLLER

Sec. 18.8. The Controller of the Department of Transportation shall allocate at the beginning of each fiscal year from the various appropriations made to the Department of Transportation in this act, Titles:

State Construction
State Funds to Match Federal Highway Aid
State Maintenance
Ferry Operations,

sufficient funds to eliminate all overdrafts on State maintenance and construction projects, and these allocations shall not be diverted to other purposes.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

CASH FLOW HIGHWAY FUND AND HIGHWAY TRUST FUND APPROPRIATIONS

Sec. 18.9. (a) The General Assembly authorizes and certifies anticipated revenues of the Highway Fund as follows:

For Fiscal Year 1997–98 $1,075.6 Million
For Fiscal Year 1998–99 $1,093.1 Million

(b) The General Assembly authorizes and certifies anticipated revenues of the Highway Trust Fund as follows:

For Fiscal Year 1997–98	$ 775.8 Million
For Fiscal Year 1998–99	$ 799.8 Million

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

HIGHWAY FUND LIMITATIONS ON OVEREXPENDITURES

Sec. 18.10. (a) Overexpenditures from Section 3 of this act may be made by authorization of the Director of the Budget, Titles:

State Construction Primary Construction
State Construction Urban Construction
Spot Safety Construction
State Construction Access and Public Service Roads
State Funds to Match Federal Highway Aid
State Maintenance
Ferry Operations,

provided that there are corresponding underexpenditures from these same Titles. Overexpenditures or underexpenditures in any Titles shall not vary by more than ten percent (10%) without prior consultation with the Advisory Budget Commission. Written reports covering overexpenditures or underexpenditures of more than ten percent (10%) shall be made to the Joint Legislative Transportation Oversight Committee. The reports shall be delivered to the Director of the Fiscal Research Division not less than 96 hours prior to the beginning of the Commission's full meeting.

(b) Overexpenditures from Section 3 of this act, Titles:

State Construction Primary Construction
State Construction Urban Construction
Spot Safety Construction
State Construction Access and Public Service Roads
State Funds to Match Federal Highway Aid
State Maintenance
Ferry Operations,

for the purpose of providing additional positions shall be approved by the Director of the Budget and shall be reported on a quarterly basis to the Joint Legislative Transportation Oversight Committee and to the Fiscal Research Division.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

RESURFACED ROADS MAY BE WIDENED

Sec. 18.11. Of the contract maintenance resurfacing program funds appropriated in this act to the Department of Transportation, an amount not to exceed fifteen percent (15%) of the Board of Transportation's allocation of these funds may be used for widening existing narrow pavements that are scheduled for resurfacing.

Requested by: Representatives Barbee, Bowie,
Senators Hoyle, Hartsell

SMALL URBAN CONSTRUCTION PROGRAM DISCRETIONARY FUNDS

Sec. 18.12. Of the funds appropriated in this act to the Department of Transportation, fourteen million dollars ($14,000,000) shall be allocated in each fiscal year for small urban construction projects. These funds shall be allocated

equally in each fiscal year of the biennium among the 14 Highway Divisions for the small urban construction program for small urban construction projects that are located within the area covered by a one–mile radius of the municipal corporate limits. Discretionary funds of six million dollars ($6,000,000) shall be used statewide for rural or small urban highway improvements as approved by the Secretary of the Department of Transportation.

None of these funds used for rural secondary road construction are subject to the county allocation formula as provided in G.S. 136–44.5.

The Department of Transportation shall report to the members of the General Assembly on projects funded pursuant to this section in each member's district prior to the Board of Transportation's action. The Department shall make a quarterly comprehensive report on the use of these funds to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

HIGHWAY FUND ADJUSTMENTS TO REFLECT ACTUAL REVENUE

Sec. 18.13. Any unreserved credit balance in the Highway Fund on June 30 of each of the fiscal years of this biennium shall support appropriations in the succeeding fiscal year. If all of the balance is not needed for these appropriations, the Director of the Budget may use the remaining excess to establish a reserve for access and public roads, a reserve for unforeseen happening of a state of affairs requiring prompt action as provided by G.S. 136–44.1, and other required reserves. If all of the remaining excess is not used to establish these reserves, the remainder shall be allocated to the State–funded maintenance appropriations in the manner approved by the Board of Transportation. The Board of Transportation shall report monthly to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division about the use of the reserve for highway and maintenance.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

DEPARTMENT OF TRANSPORTATION EXEMPTION FROM GENERAL STATUTES FOR EXPERIMENTAL PROJECT—CONGESTION MANAGEMENT

Sec. 18.14. The Department of Transportation may enter into a design–build–warrant contract to develop, with Federal Highway Administration participation under The 1991 Intermodal Surface Transportation Efficiency Act, Title VI, Part B, Sections 6051–6059, a "Congestion Avoidance and Reduction for Autos and Trucks (CARAT)" system of traffic management for the greater Charlotte–Mecklenburg urban areas. Notwithstanding any other provision of law, contractors, contractors' employees, and Department of Transportation employees involved in this project only do not have to be licensed by occupational licensing boards as "license" and "occupational licensing board" are defined in G.S. 93B–1; and for the purpose of entering into contracts, the Department of Transportation is exempted from the provisions of the following General Statutes: G.S. 136–28.1, 143–52, 143–53, 143–58, 143–128, and 143–129. These statutory exemptions are limited and available only to the extent necessary to comply with federal rules, regulations, and policies for completion of this project.

The Department of Transportation shall report quarterly to the Joint Legislative Transportation Oversight Committee on its efforts to enter into a

design–build–warrant contract and to award and construct the project. The report shall include, but not be limited to, the number of types of firms bidding on the project, special qualifications of the firms bidding, and the effect statutory exemptions might have had on the award and construction of the project and the receipt of federal discretionary funding for the project.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

BRANCH AGENT/DMV COST COMPARISON

Sec. 18.16. The Division of Motor Vehicles shall conduct a cost comparison study comparing the costs of services provided by contract branch agents with the cost of providing those services at the Division of Motor Vehicles offices in Raleigh and Charlotte. The study shall also include an analysis of the impact the planned vehicle registration computer system improvements will have on the cost, efficiency, and delivery of services to the public. The Division of Motor Vehicles shall report the results of the study to the Joint Legislative Transportation Oversight Committee by March 1, 1996.

Requested by: Senators Hoyle, Hartsell,
Representatives Barbee, Bowie

STUDY OF DRIVERS LICENSE MEDICAL EVALUATION PROGRAM

Sec. 18.17. (a) There is established in the General Assembly a Commission to Study the Drivers License Medical Evaluation Program operated pursuant to G.S. 20–9. The Commission shall study:

(1) Whether the program should be modified or abolished;
(2) Whether the program should be transferred entirely to the Division of Motor Vehicles rather than involving reviews by the Commission for Health Services;
(3) How applicants for drivers licenses should be removed from the program when their conditions improve; and
(4) Whether or not the program addresses the special needs and abilities of senior citizens.

(b) The Commission shall be composed of six members appointed as follows:

(1) Three members appointed by the President *Pro Tempore* of the Senate, at least two of whom shall be members of the Senate at the time of their appointment; and
(2) Three members appointed by the Speaker of the House of Representatives, at least two of whom shall be members of the House of Representatives at the time of their appointment.

The President *Pro Tempore* of the Senate and the Speaker of the House of Representatives shall each select a legislative member from their appointments to serve as cochair of the Commission. Meetings shall be held at the call of the cochairs.

All members shall serve at the will of their appointing officer. Unless removed, or having resigned, members shall serve until the Commission has made its report. Vacancies in membership shall be filled by the officer making the original appointment.

(c) Upon approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign appropriate professional and clerical staff from

the Fiscal Research, Research, or Bill Drafting Divisions of the Legislative Services Office of the General Assembly to assist with the study. Clerical staff shall be furnished to the Commission through the Senate and House of Representatives Supervisors of Clerks. The employment of the clerical staff shall be borne by the Commission. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The Commission, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120–19 through G.S. 120–19.4, including the power to request all officers, agents, agencies, and department of the State to provide any information and any data within their possession and ascertainable from their records, and the power to subpoena witnesses.

The Commission may request the assistance of the Department of Environment, Health, and Natural Resources, the Department of Transportation, and the Office of State Budget and Management in conducting this study.

Members of the Commission shall receive per diem, subsistence, and travel allowances as provided by law.

The Commission may make an interim report, including any legislative proposals, to the 1995 General Assembly, Regular Session 1996, and shall make a final report, including any legislative proposals, to the 1997 General Assembly.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

REVERSIONS FOR HIGHWAY FUND PROJECTS

Sec. 18.18. Except as permitted in other sections of this act, the appropriations for capital improvements from the Highway Fund made by the 1995 General Assembly may be expended only for the specific projects set out by the 1995 General Assembly and for no other purpose.

Construction of all capital improvement projects enumerated by the 1995 General Assembly shall be commenced, or self–liquidating indebtedness with respect to them shall be incurred, within 12 months following the first day of the fiscal year in which the funds are available.

If construction contracts on those projects have not been awarded or self–liquidating indebtedness has not been incurred within that period, the direct appropriation for those projects shall revert to the Highway Fund, and the self–liquidating appropriation shall lapse; except that direct appropriations may be placed in a reserve fund if so authorized in this act.

This deadline with respect to both direct and self–liquidating appropriations from the Highway Fund may be extended with the approval of the Director of the Budget up to an additional 12 months if circumstances and conditions warrant such extension.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

CAPITAL REVERSIONS

Sec. 18.19. (a) The funds remaining unencumbered from the following projects shall revert to the Highway Fund:

DMV Additions	Sec. 4 of Chapter 1101 of the 1987 Session Laws.
DMV Additions	Sec. 6 of Chapter 754 of the 1989 Session Laws.
DMV Warehouse	Sec. 6 of Chapter 754 of the 1989 Session Laws.
Land, Asheville	Sec. 8 of Chapter 1074 of the 1989 Session Laws.

DMV Electrical	Sec. 236.1 of Chapter 689 of the 1991 Session Laws.
DMV Building	Sec. 5 of Chapter 561 of the 1993 Session Laws.

(b) From the funds reverted to the Highway Fund by subsection (a) of this section, sufficient funds shall be used to close the accounts on the following projects:

Handicap Modifications	Sec. 4 of Chapter 1101 of the 1987 Session Laws.
Statesville DMV	Sec. 236.1 of Chapter 689 of the 1991 Session Laws.
Handicap Modifications	Sec. 236.1 of Chapter 689 of the 1991 Session Laws.
Fire Alarm	Sec. 30 of Chapter 1044 of the 1991 Session Laws.
Goldsboro DMV	Sec. 30 of Chapter 1044 of the 1991 Session Laws.
Kinston DMV	Sec. 30 of Chapter 1044 of the 1991 Session Laws.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

UNSPENT BEAUFORT REST AREA FUNDS TO REVERT TO HIGHWAY FUND

Sec. 18.20. Unused funds appropriated to the Department of Administration pursuant to Section 106 of Chapter 900 of the 1991 Session Laws shall revert to the Highway Fund.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

LAND SALES PROCEEDS TO BE APPROPRIATED

Sec. 18.21. The proceeds from the sales of the following properties shall be placed in a capital reserve to be appropriated by the 1996 General Assembly for capital projects to be funded during the 1996–97 fiscal year:

Goldsboro – Old District Office/Maintenance Yard
Durham – Property at 320 Club Drive
Dare County – Old Bridge Maintenance Yard
Greenville – Maintenance Subyard
Cashiers – Storage Yard.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

HIGHWAY FUND/HIGHWAY TRUST FUND FINANCIAL MODEL

Sec. 18.22. The Joint Legislative Transportation Oversight Committee shall prepare a request for proposal (RFP), select a qualified firm from bids submitted in response to the RFP to develop a Highway Fund/Highway Trust Fund financial model, and contract with that firm to develop the financial model by March 31, 1996, at a cost not to exceed sixty thousand dollars ($60,000). The funds to pay for the development of the financial model shall come from the Highway Trust Fund.

The financial model shall be a computer–based financial model used to project long–term expenditure and revenue trends under various simulations. The model will identify quantitatively the long–term "structural" implications of the interplay between the Highway Fund and the Highway Trust Fund budget, the economy, and selected demographic factors.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

STATE PRINTING OFFICER TO STUDY STATE PRINTING SERVICES

Sec. 18.23. The State Printing Officer in the Division of Purchase and Contract, Department of Administration, shall study State government printing services to determine, *inter alia*:

(1) The feasibility of continuing separate departmental in–house printing operations;

(2) The feasibility of the increased use of Correction Enterprises printing services; and

(3) Whether contracting out printing orders worth more than ten thousand dollars ($10,000) would provide savings to the State.

The State Printing Officer shall submit a report on his findings to the Joint Legislative Commission on Governmental Operations on or before October 31, 1995.

Requested by: Representatives Barbee, Bowie,
Senator Hoyle

FINANCIAL ACCOUNTING AND REPORTING FUNDS REVERTED

Sec. 18.24. Of the funds appropriated in fiscal year 1992–93 for the purpose of beginning the implementation of a new financial accounting and reporting system for the Department of Transportation, the sum of one million three hundred thousand dollars ($1,300,000) shall revert to the Highway Fund on June 30, 1995.

The remaining unencumbered and unspent funds shall be used by the Department of Transportation in a joint effort with the Office of the State Controller to develop a comprehensive plan for the new financial accounting and reporting system for presentation to the 1996 Session of the General Assembly.

The comprehensive plan shall provide for the complete financial accounting and reporting requirements of the Department including those for work order funding and costing, billing for Federal Highway Aid and other sums owed to the Department, payment to highway and engineering contractors, fleet management and inventory management as well as core accounting functions of purchasing, accounts payable, accounts receivable, budget preparation, budget control, fixed assets, and grant accounting.

For all the above functions, the comprehensive plan shall identify:

(1) The processing concepts and methods that will be employed;

(2) The computer hardware and software and associated manual processes required to perform the required functions efficiently and effectively;

(3) The implementation cost for the computer hardware and software and related costs such as training;

(4) The time required for implementation;

(5) The projected operating costs for the new system; and

(6) The projected operating savings, if any.

The planned system shall conform to the applicable standards and requirements of the State Accounting System.

The Department shall make quarterly reports on the development of the plan to the Joint Legislative Transportation Oversight Committee.

Requested by: Senators Hoyle, Hartsell,
Representatives Barbee, Bowie

ALLOCATION OF FUNDS FOR DRIVER TRAINING

Sec. 18.27. In allocating funds for driver training, the State Board of Education shall consider the needs of small and low-wealth local school administrative units.

Requested by: Senators Hoyle, Hartsell,
Representatives Barbee, Bowie

RADIO ISLAND RAILROAD TRESTLE FUNDS

Sec. 18.28. (a) Section 68 of Chapter 561 of the 1993 Session Laws reads as rewritten:

"Sec. 68. Of the funds appropriated in this act from the General Fund to the ~~North Carolina Ports Railway Commission,~~ the Department of Transportation, the sum of two hundred fifty thousand dollars ($250,000) for the 1993-94 fiscal year shall be used to plan for the replacement of the wooden trestle over the Newport River on the Beaufort and Morehead Railroad with a modern concrete trestle. ~~The Attorney General and the Department of Transportation shall identify legal issues related to the design, construction, and operation of the new trestle and shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office not later than March 1, 1994, on options available to resolve those issues.~~"

(b) The Department of Transportation shall proceed with the planning and construction of the trestle, Project P-3100 in the 1996-2002 Transportation Improvement Program, and shall commence construction of the trestle during calendar year 1996. The completed bridge shall be added to the State System for maintenance purposes.

Requested by: Senators Hoyle, Hartsell,
Representatives Barbee, Bowie

CHARLOTTE MOTOR SPEEDWAY PEDESTRIAN BRIDGE

Sec. 18.29. The Department of Transportation may permit private encroachments on the highway right-of-way of U.S. 29 in Cabarrus County for pedestrian bridges and tunnels to provide access for pedestrians and vehicles from the Charlotte Motor Speedway property on the north side of U.S. 29 to the Charlotte Motor Speedway property located on the south side of U.S. 29. Locations, plans, and specifications for the pedestrian bridges and tunnels shall be approved by the Department.

The encroachments shall not unreasonably interfere with or obstruct the public use of U.S. 29 and shall be subject to all other rules, regulations, and conditions of the Department of Transportation for encroachments.

Requested by: Senators Hoyle, Hartsell,
Representatives Barbee, Bowie

ROOFING REPAIR REVERSIONS

Sec. 18.30. Funds remaining unencumbered from the following roofing repair projects shall revert to the Highway Fund:

Roofing Sec. 8 of Chapter 1074 of the 1989 Session Laws.
Roofing Sec. 236.1 of Chapter 689 of the 1991 Session Laws.

Roofing Sec. 30 of Chapter 1044 of the 1991 Session Laws.
Roofing Sec. 5 of Chapter 561 of the 1993 Session Laws.

PART 19. DEPARTMENT OF CORRECTION

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Daughtry

AMEND CRIMINAL JUSTICE PARTNERSHIP ACT

Sec. 19. G.S. 143B–273.15 reads as rewritten:

"§ **143B–273.15. Funding formula.**

To determine the grant amount for which a county or counties may apply, the granting authority shall apply the following formula:

~~(a)~~ (1) Twenty percent (20%) of the total ~~fund~~ fiscal year appropriation plus any unspent or unclaimed funds in the Account shall be distributed in the discretion of the Secretary to encourage innovative efforts to develop multicounty projects; to encourage cooperation and collaboration among existing services and avoid duplication of efforts; to provide for technical assistance to the counties in the development of county plans and in the evaluation of programs funded under this Article; to encourage the renovation of existing facilities; and to encourage innovative substance abuse programs.

~~(b)~~ (2) Of the remaining eighty percent (80%) of the ~~fund,~~ fiscal year appropriation, a total funding amount will be set for each county based upon the following variables:

~~(1)~~ a. Twenty percent (20%) based on a fixed equal dollar amount for each county;

~~(2)~~ b. Sixty percent (60%) based on the county share of the State population; and

~~(3)~~ c. Twenty percent (20%) based on the supervised probation admissions rate for the county.

The sum of the amounts in ~~subdivisions (1), (2), and (3)~~ sub-subdivisions a., b., and c. is the total amount of the funding that a county may apply for under this subsection.

Grants to participating counties are for a period of one fiscal year with unobligated funds being returned to the Account at the end of the grant period. Funds are provided to participating counties on a reimbursement basis unless a county documents a need for an advance of grant funds."

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Daughtry

LIMIT USE OF OPERATIONAL FUNDS

Sec. 19.1. Funds appropriated in this act to the Department of Correction for operational costs for additional facilities shall be used for personnel and operating expenses set forth in the budget approved by the General Assembly in this act. These funds may not be expended for any other purpose, except as provided for in this act, and may not be expended for additional prison personnel positions until the new facilities are within 90 days of projected completion, except for certain management, security, and support positions necessary to prepare the facility for opening, as authorized in the budget approved by the General Assembly.

Requested by: Representatives Justus, Thompson,
Senator Ballance

REPORT ON SUMMIT HOUSE

Sec. 19.2. Summit House shall report quarterly during each year of the 1995–97 biennium to the Joint Legislative Commission on Governmental Operations on the (i) expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who have their probation revoked, and the number of clients who successfully complete the program while housed at Summit House; and (ii) the expansion of its program into Mecklenburg and Wake Counties.

Requested by: Senators Ballance, Odom, Rand,
Representatives Justus, Thompson, Daughtry

SUMMIT HOUSE FUNDS SHALL NOT REVERT

Sec. 19.2A. (a) The balance of the nine hundred thousand dollars ($900,000) appropriated in Chapter 321 of the 1993 Session Laws to the Department of Correction for the 1994–95 fiscal year for support and expansion of the programs at Summit House in Greensboro and Mecklenburg and Wake Counties shall not revert at the end of the fiscal year but shall remain in the Department for that purpose.

(b) This section becomes effective June 30, 1995.

Requested by: Representatives Justus, Thompson,
Senator Ballance

REPORT ON BOOT CAMPS

Sec. 19.3. Subsection (c) of Section 19 of Chapter 24 of the Session Laws of the 1994 Extra Session reads as rewritten:

"(c) The Department of Correction shall evaluate the IMPACT program and the post–Boot Camp probation program funded under this section and report by January 1 of each year to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Fiscal ~~Research Division prior to January 1, 1995, and annually thereafter.~~ Division. The evaluation of the IMPACT program and the post–Boot Camp probation program shall ~~compare~~ include a comparison of that program's effectiveness, cost, and recidivism rate to other corrections programs for offenders ~~aged 16–25.~~ in the same age group and similar offense classes as that covered by the IMPACT program. ~~The evaluation of the post–Boot Camp probation program shall compare that program's effectiveness, cost, and recidivism rate to other probation programs for offenders aged 16–25.~~"

Requested by: Representatives Justus, Thompson, Daughtry,
Senators Ballance, Rand

YOUTH COMMAND AUDIT

Sec. 19.5. The Office of State Auditor shall conduct a financial audit and a performance audit of the Youth Command of the Division of Prisons, Department of Correction, and shall report its findings to the Joint Legislative Corrections Oversight Committee by May 1, 1996.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Daughtry

HARRIET'S HOUSE FUNDS SHALL NOT REVERT

Sec. 19.6. (a) The balance of the two hundred thousand dollars ($200,000) appropriated in Chapter 769 of the 1993 Session Laws to the Department of Correction for the 1994–95 fiscal year to support the programs at Harriet's House shall not revert at the end of the fiscal year but shall remain in the Department to be used for program operating costs, the purchase of equipment, and the rental of real property.

(b) This section becomes effective June 30, 1995.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Daughtry

SUBSTANCE ABUSE FUNDS SHALL NOT REVERT

Sec. 19.8. (a) The balance of the one hundred thousand dollars ($100,000) appropriated in Chapter 591 of the 1993 Session Laws to the Department of Correction for the 1994–95 fiscal year for a pilot community–based treatment program for alcohol and drug abusers on probation and parole shall not revert at the end of the fiscal year but shall remain in the Department for that purpose.

(b) This section becomes effective June 30, 1995.

Requested by: Senators Rand, Ballance,
Representatives Justus, Thompson, Daughtry

REPEAL PRISON CAP/PREVENT PAROLE OF VIOLENT FELONS

Sec. 19.9. (a) G.S. 148–4.1 is amended by adding a new subsection to read:

"(a1) Notwithstanding any other provision of this section, the Department of Correction shall at all times secure the necessary prison space to house any violent felon or habitual felon for the full active sentence imposed by the court. For purposes of this subsection, the term 'violent felon' means any person convicted of the following felony offenses: first or second degree murder, voluntary manslaughter, first or second degree rape, first or second degree sexual offense, any sexual offense involving a minor, robbery, kidnapping, or assault, or attempting, soliciting, or conspiring to commit any of those offenses."

(b) G.S. 148–4.1(c1) reads as rewritten:

"(c1) For purposes of this section only, 'prison capacity' means the number of prisoners housed in facilities located in North Carolina and owned or operated by the State of North Carolina, as set by the Governor. In setting the prison capacity for purposes of this section, the Governor shall consider the number of beds available and shall make a finding that the number set would not jeopardize the State's ability to perform its obligations under the law. In no event shall the number set by the Governor under this subsection exceed ~~24,500.~~ 27,500."

(c) G.S. 148–4.1(g) reads as rewritten:

"(g) In order to meet the requirements of this section, the Parole Commission shall not parole any person convicted under Article 7A of Chapter 14 of a sex offense, under G.S. 14–39, 14–41, or 14–43.3, under G.S. 90–95(h) of a drug trafficking offense, or under ~~G.S. 14–17.~~ G.S. 14–17, or any other violent felon as defined in subsection (a1) of this section. The Parole Commission may continue to consider the suitability for release of such persons in accordance with the criteria set forth in Articles 85 and 85A of Chapter 15A."

(d) G.S. 148–4.1(g1) reads as rewritten:

"(g1) Notwithstanding any other provision of law except for subsection (h) of this section, ~~whenever the Post–Release Supervision and Parole Commission is required to release inmates in order to meet the requirements of this section,~~ the Post–Release Supervision and Parole Commission may parole nonviolent inmates who would not otherwise be eligible for parole instead of paroling violent inmates who are eligible for parole. This subsection does not apply to sentences under Article 81B of Chapter 15A of the General Statutes."

(e) Effective January 1, 1996, G.S. 148–4.1, as rewritten by subsections (a) and (b) of this section, reads as rewritten:

"**§ 148–4.1. Release of inmates.**

(a) Whenever the Secretary of Correction determines from data compiled by the Department of Correction that it is necessary to reduce the prison population to a more manageable ~~level,~~ level or to meet the State's obligations under law, he shall direct the Post–Release Supervision and Parole Commission to release on parole over a reasonable period of time a number of prisoners sufficient to that purpose. From the time the Secretary directs the Post–Release Supervision and Parole Commission until the prison population has been reduced to a more manageable level, the Secretary may not accept any inmates ordered transferred from local confinement facilities to the State prison system under G.S. 148–32.1(b). Further, the Secretary may return any inmate housed in the State prison system under an order entered pursuant to G.S. 148–32.1(b) to the local confinement facility from which the inmate was transferred. In order to meet the requirements of this section, the Parole Commission shall not parole any person convicted under Article 7A of Chapter 14 of a sex offense, under G.S. 14–39, 14–41, or 14–43.3, under G.S. 90–95(h) of a drug trafficking offense, or under G.S. 14–17, or any other violent felon as defined in subsection (a1) of this section. The Parole Commission may continue to consider the suitability for release of such persons in accordance with the criteria set forth in Articles 85 and 85A of Chapter 15A.

(a1) Notwithstanding any other provision of this section, the Department of Correction shall at all times secure the necessary prison space to house any violent felon or habitual felon for the full active sentence imposed by the court. For purposes of this subsection, the term 'violent felon' means any person convicted of the following felony offenses: first or second degree murder, voluntary manslaughter, first or second degree rape, first or second degree sexual offense, any sexual offense involving a minor, robbery, kidnapping, or assault, or attempting, soliciting, or conspiring to commit any of those offenses.

(b) Except as provided in subsection ~~(c) and (c1),~~ (c), only inmates who are otherwise eligible for parole pursuant to Article 85 of Chapter 15A or pursuant to Article 3B of this Chapter may be released under this section.

(c) Persons eligible for parole under Article 85A of Chapter 15A shall be eligible for early parole under this section nine months prior to the discharge date otherwise applicable, and six months prior to the date of automatic 90–day parole authorized by G.S. 15A–1380.2.

~~(c1) For purposes of this section only, 'prison capacity' means the number of prisoners housed in facilities located in North Carolina and owned or operated by the State of North Carolina, as set by the Governor. In setting the prison capacity for purposes of this section, the Governor shall consider the number of beds available and shall make a finding that the number set would not jeopardize the State's~~

~~ability to perform its obligations under the law. In no event shall the number set by the Governor under this subsection exceed 27,500.~~

~~(d) If the number of prisoners housed in facilities located in North Carolina and owned or operated by the State of North Carolina for the Division of Prisons exceeds ninety-eight percent (98%) of prison capacity for 15 consecutive days, the Secretary of Correction shall notify the Governor and the Chairman of the Parole Commission of this fact. Upon receipt of this notification, the Parole Commission shall within 90 days release on parole a number of inmates sufficient to reduce the prison population to ninety-seven percent (97%) of prison capacity.~~

~~From the date of the notification until the prison population has been reduced to ninety-seven percent (97%) of prison capacity, the Secretary may not accept any inmates ordered transferred from local confinement facilities to the State prison system under G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State prison system under an order entered pursuant to G.S. 148-32.1(b) to the local confinement facility from which the inmate was transferred.~~

~~(e) In addition to those persons otherwise eligible for parole, from the date of notification in subsection (d) until the prison population has been reduced to ninety-seven percent (97%) of prison capacity, any person imprisoned only for a misdemeanor also shall be eligible for parole and immediate termination upon admission, notwithstanding any other provision of law, except:~~

~~(1) Those persons convicted under G.S. 20-138.1 of driving while impaired or any offense involving impaired driving, and~~

~~(2) Those persons convicted pursuant to G.S. 130A-25 of failing to obtain the treatment required by Part 3 or Part 5 of Article 6 of Chapter 130A or of violating G.S. 130A-144(f) or G.S. 130A-145.~~

~~(f) In complying with the mandate of subsection (d), the Parole Commission may exercise the discretion granted to refuse parole by G.S. 15A-1371 in selecting felons to be paroled under this section so long as the prison population does not exceed prison capacity.~~

~~(g) In order to meet the requirements of this section, the Parole Commission shall not parole any person convicted under Article 7A of Chapter 14 of a sex offense, under G.S. 14-39, 14-41, or 14-43.3, under G.S. 90-95(h) of a drug trafficking offense, or under G.S. 14-17, or any other violent felon as defined in subsection (a1) of this section. The Parole Commission may continue to consider the suitability for release of such persons in accordance with the criteria set forth in Articles 85 and 85A of Chapter 15A.~~

(g1) Notwithstanding any other provision of law except for subsection (h) of this section, the Post-Release Supervision and Parole Commission may parole nonviolent inmates who would not otherwise be eligible for parole instead of paroling violent inmates who are eligible for parole. This subsection does not apply to sentences under Article 81B of Chapter 15A of the General Statutes.

(h) A person sentenced under Article 81B of Chapter 15A of the General Statutes shall not be released pursuant to this section."

(f) Effective January 1, 1996, G.S. 148-32.1(b) reads as rewritten:

"(b) In the event that the custodian of the local confinement facility certifies in writing to the clerk of the superior court in the county in which said local confinement facility is located that the local confinement facility is filled to capacity, or that the facility cannot reasonably accommodate any more prisoners due to

segregation requirements for particular prisoners, or that the custodian anticipates, in light of local experiences, an influx of temporary prisoners at that time, or if the local confinement facility does not meet the minimum standards published pursuant to G.S. 153A–221, any judge of the district court in the district court district as defined in G.S. 7A–133 where the facility is located, or any superior court judge who has jurisdiction pursuant to G.S. 7A–47.1 or 7A–48 in a district or set of districts as defined in G.S. 7A–41.1 where the facility is located may order that the prisoner be transferred to any other qualified local confinement facility within that district or within another such district where space is available, including a satellite jail unit operated pursuant to G.S. 153A–230.3 if the prisoner is a non–violent misdemeanant, which local facility shall accept the transferred prisoner, if the prison population has exceeded ~~the limits established in G.S. 148–4.1(d).~~ a manageable level as provided for in G.S. 148–4.1(a). If no such local confinement facility is available, then any such judge may order the prisoner transferred to such camp or facility as the proper authorities of the Department of Correction shall designate, notwithstanding that the term of imprisonment of the prisoner is 90 days or less. In no event, however, shall a prisoner whose term of imprisonment is less than 30 days be assigned or ordered transferred to any such camp or facility."

(g) Subsections (e) and (f) of this section become effective January 1, 1996. The remainder of this section is effective upon ratification.

Requested by: Representatives Justus, Thompson, Daughtry,
Senators Ballance, Rand

CONTRACTS FOR HOUSING STATE PRISONERS IN LOCAL CONFINEMENT FACILITIES/ALLOW CONTRACTS FOR PRIVATE PRISONS/REMOVE SUNSET ON OUT–OF–STATE HOUSING/REMOVE LIMIT ON PRISONERS IN NON–STATE–OWNED FACILITIES

Sec. 19.10. (a) G.S. 148–37 reads as rewritten:

"§ **148–37. Additional facilities authorized; contractual arrangements.**

(a) Subject to the provisions of G.S. 143–341, the State Department of Correction may establish additional facilities for use by the Department, such facilities to be either of a permanent type of construction or of a temporary or movable type as the Department may find most advantageous to the particular needs, to the end that the prisoners under its supervision may be so distributed throughout the State as to facilitate individualization of treatment designed to prepare them for lawful living in the community where they are most likely to reside after their release from prison. For this purpose, the Department may purchase or lease sites and suitable lands adjacent thereto and erect necessary buildings thereon, or purchase or lease existing facilities, all within the limits of allotments as approved by the Department of Administration.

(b) The Secretary of Correction may contract with the proper official of the United States or of any county or city of this State for the confinement of federal prisoners after they have been sentenced, county, or city prisoners in facilities of the State prison system or for the confinement of State prisoners in any county or any city facility located in North Carolina, or any facility of the United States Bureau of Prisons, when to do so would most economically and effectively promote the purposes served by the Department of Correction. ~~Any~~ Except as otherwise provided, any contract made under the authority of this ~~section~~ subsection shall be for a period of not more than two years, and shall be renewable from time to time for a period not to exceed two years. Contracts made under the authority of this

subsection for the confinement of State prisoners in local or district confinement facilities may be for a period of not more than 10 years and renewable from time to time for a period not to exceed 10 years, and shall be subject to the approval of the Council of State and the Department of Administration after consultation with the Joint Legislative Commission on Governmental Operations. Contracts for receiving federal, county and city prisoners shall provide for reimbursing the State in full for all costs involved. The financial provisions shall have the approval of the Department of Administration before the contract is executed. Payments received under such contracts shall be deposited in the State treasury for the use of the State Department of Correction. Such payments are hereby appropriated to the State Department of Correction as a supplementary fund to compensate for the additional care and maintenance of such prisoners as are received under such contracts.

(c) In addition to the authority contained in subsections (a) and (b) of this section, and in addition to the contracts ratified by subsection (f) of this section, the Secretary of Correction may enter into contracts with any public entity or any private nonprofit or for-profit firms for the confinement and care of State prisoners in any out-of-state ~~public~~ correctional facility when to do so would most economically and effectively promote the purposes served by the Department of Correction. Contracts entered into under the authority of this subsection shall be for a period not to exceed two years and shall be renewable from time to time for a period not to exceed two years. ~~Subject to the provisions of subsection (e) of this section, the combined authority contained in this subsection and in subsection (f) of this section may be used to house a maximum of 1,000 prisoners at any one time, which maximum shall include those housed on March 25, 1994, under contracts ratified by subsection (f) of this section.~~ Prisoners may be sent to out-of-state correctional facilities only when there are no available facilities in this State within the State prison system to appropriately house those prisoners. Any contract made under the authority of this subsection ~~shall expire not later than June 30, 1995, and~~ shall be approved by the Department of Administration before the contract is executed. Before expending more than the amount specifically appropriated by the General Assembly for the out-of-state housing of inmates, the Department shall obtain the approval of the Joint Legislative Commission on Governmental Operations and shall report such expenditures to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Chairs of the Joint Legislative Corrections Oversight Committee.

(d) Prisoners confined in out-of-state correctional facilities pursuant to subsection (c) of this section shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The rules regarding good time and gain time, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in those out-of-state correctional facilities. The operators of those out-of-state correctional facilities may promulgate any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Correction. Custodial officials employed by an out-of-state correctional facility are agents of the Secretary of Correction and may use those procedures for use of force authorized by the Secretary of Correction not inconsistent with the laws of the State of *situs* of the facility to defend themselves, to enforce the observance of

discipline in compliance with correctional facility rules, to secure the person of a prisoner, and to prevent escape. Prisoners confined to out-of-state correctional facilities may be required to perform reasonable work assignments within those facilities. Private firms under subsection (c) of this section shall employ inmate disciplinary and grievance policies of the North Carolina Department of Correction.

~~(e) The Department of Correction shall not contract to house in non-State-owned facilities within the State more than a total of 1,500 inmates at any one time, excluding any beds in private substance abuse treatment centers authorized by the General Assembly. If the number of inmates housed in non-State-owned facilities pursuant to this section exceeds 500, then the maximum number of prisoners authorized to be housed out-of-state pursuant to subsection (c) of this section is reduced by the amount of the excess.~~

(f) Any contracts entered into by the Department of Correction with public contractors prior to March 25, 1994, for the out-of-state housing of inmates are ratified. ~~The Department of Correction shall take such actions not inconsistent with the terms of the contracts so that without further approval by the General Assembly they are not effective for the confinement or care of State prisoners after June 30, 1995.~~

(g) The Secretary of Correction may contract with private for-profit or nonprofit firms for the provision and operation of confinement facilities totaling up to 1,000 beds in the State to house State prisoners when to do so would most economically and effectively promote the purposes served by the Department of Correction. Contracts entered under the authority of this subsection shall be for a period not to exceed 10 years, shall be renewable from time to time for a period not to exceed 10 years, and are subject to the approval of the Council of State and the Department of Administration, after consultation with the Joint Legislative Commission on Governmental Operations. The Secretary of Correction shall enter contracts under this subsection only if funds are appropriated for this purpose by the General Assembly.

Contracts made under the authority of this subsection may provide the State with an option to purchase the confinement facility or may provide for the purchase of the confinement facility by the State. The Department of Correction may give preference to facilities intended for joint county and State use where such facilities are developed by public/private partnerships and financed by tax-exempt bond issues, and where such facilities offer general terms and conditions favorable to the State in the competitive bidding process pursuant to Article 8 of Chapter 143 of the General Statutes. All contracts for the housing of State prisoners in private confinement facilities shall require a minimum of ten million dollars ($10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private confinement facility.

Prisoners housed in private confinement facilities pursuant to this subsection shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The Secretary of Correction may review and approve the design and construction of private confinement facilities before housing State prisoners in these facilities. The rules regarding good time, gain time, and earned credits, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in

private confinement facilities pursuant to this subsection. The operators of private confinement facilities may adopt any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Correction. Custodial officials employed by a private confinement facility are agents of the Secretary of Correction and may use those procedures for use of force authorized by the Secretary of Correction to defend themselves, to enforce the observance of discipline in compliance with confinement facility rules, to secure the person of a prisoner, and to prevent escape. Private firms under this subsection shall employ inmate disciplinary and grievance policies of the North Carolina Department of Correction.

(h) Private confinement facilities under this section shall be designed, built, and operated in accordance with applicable State laws, court orders, fire safety codes, and local regulations.

(i) The Department of Correction shall make a written report no later than March 1 of every odd-numbered year, beginning in 1997, on the substance of all outstanding contracts for the housing of State prisoners entered into under the authority of this section. The report shall be submitted to the Council of State, the Department of Administration, the Joint Legislative Commission on Governmental Operations, and the Joint Legislative Corrections Oversight Committee. In addition to the report, the Department of Correction shall provide information on contracts for the housing of State prisoners as requested by these groups."

(b) Section 16(c) of Chapter 24 of the Session Laws of the 1994 Extra Session reads as rewritten:

"(c) Subsections (a) and (b) of this section are effective upon ~~ratification, but subsection (a) of this section expires on June 30, 1995.~~ ratification."

(c) When contracting with private for-profit or nonprofit firms for the housing of State prisoners, the Department of Correction may give preference to contracts for facilities to be located in the State when to do so would most efficiently house those prisoners.

(d) This section becomes effective June 30, 1995.

PART 20. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Representatives Justus, Thompson,
Senator Ballance

LEGISLATIVE REVIEW OF DRUG LAW ENFORCEMENT AND OTHER GRANTS

Sec. 20. (a) Section 1303(4) of the Omnibus Crime Control and Safe Streets Act of 1968 provides that State applications for drug law enforcement grants are subject to review by the State legislature or its designated body.

(b) The North Carolina General Assembly hereby provides that State applications for grants under the State and Local Law Enforcement Assistance Act of 1986, Part M of the Omnibus Crime Control and Safe Streets Act of 1968 as enacted by Subtitle K of P.L. 99-570, the Anti-Drug Abuse Act of 1986, are subject to review by the Joint Legislative Commission on Governmental Operations if at the time of review the General Assembly is not in session. Any State agency submitting a grant application for review shall also report to the House Appropriations Subcommittee on Justice and Public Safety and to the Senate Appropriations Subcommittee on Justice and Public Safety with regard to the grant.

(c) Unless a State statute provides a different forum for review, when a federal law or regulation provides that a State application for a grant must be reviewed by the State legislature or its designated body and at the time of the review the General Assembly is not in session, that application shall be reviewed by the Joint Legislative Commission on Governmental Operations. Any State agency submitting a grant application for review shall also report to the House Appropriations Subcommittee on Justice and Public Safety and to the Senate Appropriations Committee on Justice and Public Safety with regard to the grant.

Requested by: Representatives Justus, Thompson, Daughtry, Senators Ballance, Rand

VICTIMS ASSISTANCE NETWORK FUNDS

Sec. 20.1. (a) Of the funds appropriated in this act to the Department of Crime Control and Public Safety, the sum of one hundred fifty thousand dollars ($150,000) for the 1995–96 fiscal year and the sum of one hundred fifty thousand dollars ($150,000) for the 1996–97 fiscal year shall be used to support the Victims Assistance Network. These funds shall be used by the Victims Assistance Network to perform the following functions under the direction of and as required by the Department of Crime Control and Public Safety:

(1) Conduct surveys and gather data on crime victims and their needs;
(2) Act as a clearinghouse for crime victims services;
(3) Provide an automated crime victims bulletin board for subscribers;
(4) Coordinate and support the activities of other crime victims advocacy groups;
(5) Identify training needs of crime victims services providers and criminal justice personnel and coordinate training efforts for those persons; and
(6) Provide other services as identified by the Governor's Crime Commission or the Department of Crime Control and Public Safety.

(b) This section becomes effective July 1, 1995.

Requested by: Representatives Justus, Thompson, Daughtry, Senators Ballance, Rand

REPORT ON COMMUNITY SERVICE WORKERS

Sec. 20.2. The Department of Crime Control and Public Safety shall report quarterly in the 1995–96 fiscal year and the 1996–97 fiscal year to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on the number of community service workers who were available during each month of the time period preceding that report to perform repairs and maintenance of the parks and when and where they were available.

Requested by: Representatives Justus, Thompson, Daughtry, Senators Ballance, Rand

REPORT ON CRIME VICTIMS COMPENSATION FUND

Sec. 20.3. The Department of Crime Control and Public Safety shall report annually to the Senate and House Appropriations Base Budget Committees on Justice and Public Safety and the Fiscal Research Division on the administrative expenditures of the North Carolina Crime Victims Compensation Fund.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Daughtry

STUDY DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Sec. 20.4. (a) There is established a Study Commission on the Department of Crime Control and Public Safety to be composed of 12 members: the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, one member to be appointed by the Speaker of the House of Representatives, and two members to be appointed by the President *Pro Tempore* of the Senate. The members shall serve until the termination of the Commission. The Speaker of the House and the President *Pro Tempore* of the Senate shall each designate a cochair from the members from their respective houses. Either cochair may call the first meeting of the Commission. Vacancies shall be filled in the same manner as the original appointments were made.

(b) The Commission shall review the efficiency and effectiveness of the Department of Crime Control and Public Safety and determine whether the Department should be reorganized or any of its divisions eliminated or transferred. The Commission shall also consider whether other law enforcement agencies in the State should be transferred to the Department. The Commission shall determine the potential cost savings of any recommended reorganizations or transfers.

(c) With the prior approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the Offices of the House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. With the prior approval of the Legislative Services Commission, the Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

(d) The Study Commission shall submit a final written report of its findings and recommendations to the General Assembly by May 1, 1996. All reports shall be filed with the Speaker of the House of Representatives and the President *Pro Tempore* of the Senate. Upon filing its final report, the Commission shall terminate.

(e) Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

(1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120–3.1.

(2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138–6.

(3) All other Commission members at the rate established in G.S. 138–5.

(f) There is allocated from the funds appropriated to the Legislative Services Commission's studies reserve to the Study Commission on the Department of Crime Control and Public Safety the sum of fifty thousand dollars ($50,000) for the 1995–96 fiscal year to conduct the study directed by this section.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Daughtry

STUDY TRANSFER OF BUTNER PUBLIC SAFETY

Sec. 20.5. (a) There is established a Study Commission on the Transfer of Butner Public Safety to be composed of 12 members: six members to be

appointed by the Speaker of the House of Representatives and six members to be appointed by the President *Pro Tempore* of the Senate. The appointees shall serve until the termination of the Commission. The Speaker of the House and the President *Pro Tempore* of the Senate shall each designate a cochair from their appointees. Either cochair may call the first meeting of the Commission. Vacancies shall be filled in the same manner as the original appointments were made.

(b) The Commission shall:

(1) Examine the potential for transferring the functions and responsibilities of Butner Public Safety from the Department of Crime Control and Public Safety to other State or local entities, including the sale or transfer of equipment, State buildings, or property currently occupied by Butner Public Safety;

(2) Determine the most appropriate means of meeting the service needs of both the State institutions and the local residents that would be affected by such a transfer, including the feasibility of incorporating Butner; and

(3) Determine the most cost–effective means of accomplishing such a transfer.

(c) With the prior approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the Offices of the House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. With the prior approval of the Legislative Services Commission, the Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

(d) The Study Commission shall submit a final written report of its findings and recommendations to the General Assembly by May 1, 1996. All reports shall be filed with the Speaker of the House of Representatives and the President *Pro Tempore* of the Senate. Upon filing its final report, the Commission shall terminate.

(e) Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

(1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120–3.1.

(2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138–6.

(3) All other Commission members at the rate established in G.S. 138–5.

(f) There is allocated from the funds appropriated to the Legislative Services Commission's studies reserve to the Study Commission on the Transfer of Butner Public Safety the sum of twenty–five thousand dollars ($25,000) for the 1995–96 fiscal year to conduct the study directed by this section.

PART 21. JUDICIAL DEPARTMENT

Requested by: Representatives Justus, Thompson,
Senator Ballance

JUDICIAL DEPARTMENT REDUCTIONS

Sec. 21. In addition to specific position reductions provided for in this act, the Director of the Administrative Office of the Courts shall reduce the salary and

wage line item for the Judicial Department by four hundred thousand dollars ($400,000) for each year of the 1995–97 biennium by either eliminating positions, using salary reserve funds, or both.

Requested by: Representatives Justus, Thompson,
Senator Ballance

JURY FEE WAIVER PROGRAM

Sec. 21.1. (a) G.S. 7A–312 reads as rewritten:

"§ **7A–312. Uniform fees for jurors; meals.**

A juror in the General Court of Justice including a petit juror, or a coroner's juror, but excluding a grand juror, shall receive twelve dollars ($12.00) per day, except that if any person serves as a juror for more than five days in any 24–month period, the juror shall receive thirty dollars ($30.00) per day for each day of service in excess of five days. A grand juror shall receive twelve dollars ($12.00) per day. However, any juror may waive payment of the per diem fees provided for in this section. A juror required to remain overnight at the site of the trial shall be furnished adequate accommodations and subsistence. If required by the presiding judge to remain in a body during the trial of a case, meals shall be furnished the jurors during the period of sequestration. Jurors from out of the county summoned to sit on a special *venire* shall receive mileage at the same rate as State employees."

(b) The Administrative Office of the Courts shall conduct a program to determine the extent to which cost savings may be generated by allowing jurors to waive payment of the per diem jury fees pursuant to subsection (a) of this section. The Administrative Office of the Courts shall report its findings on savings generated by this program to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by March 1, 1997.

(c) Subsection (a) of this section expires June 30, 1997.

Requested by: Representatives Justus, Thompson,
Senator Ballance

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

Sec. 21.3. Funds appropriated to the Judicial Department in the 1995–97 biennium for equipment and supplies shall be certified in a reserve account. The Administrative Office of the Courts shall have the authority to transfer these funds to the appropriate programs and between programs as the equipment priorities and supply consumptions occur during the operating year. These funds may not be expended for any other purpose. The Administrative Office of the Courts shall make quarterly reports on transfers made pursuant to this section to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Requested by: Representatives Justus, Thompson,
Senator Ballance

REPORT ON DISPUTE SETTLEMENT CENTERS

Sec. 21.5. (a) All local dispute settlement centers currently receiving State funds shall report annually to the Judicial Department on the program's funding and activities, including:

(1) Types of dispute settlement services provided;

(2) Clients receiving each type of dispute settlement service;
(3) Number and type of referrals received, cases actually mediated, cases resolved in mediation, and total clients served in the cases mediated;
(4) Total program funding and funding sources;
(5) Itemization of the use of funds, including operating expenses and personnel;
(6) Itemization of the use of State funds;
(7) Level of volunteer activity; and
(8) Identification of future service demands and budget requirements.

The Judicial Department shall compile and summarize the information provided pursuant to this subsection and shall provide the information to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by February 1 of each year.

(b) Each local dispute settlement center requesting State funds for the first time shall provide the General Assembly with (i) the information enumerated in subsection (a) of this section, or projections where historical data is not available, as well as a detailed statement justifying the need for State funding, and (ii) certification that at least fifty percent (50%) of total funding for the first fiscal year in which funding is requested shall come from non–State sources, and (iii) if funding is requested for a second fiscal year, certification that at least sixty percent (60%) of total funding for the second fiscal year shall come from non–State sources.

(c) Each local dispute settlement center requesting an expansion of State funding shall provide the General Assembly with (i) the information enumerated in subsection (a) of this section, or projections where historical data is not available, as well as a detailed statement justifying the need for the expansion of State funding, and (ii) certification that at least sixty percent (60%) of total funding shall come from non–State sources.

Requested by: Representatives Justus, Thompson,
Senator Ballance

SPECIAL CAPITAL CASE REHEARING FUND

Sec. 21.8. There is continued in the Judicial Department the nonreverting special fund known as "The Special Capital Case Rehearing Fund". The funds shall be used to provide for resentencing hearings, related appeals, and postconviction hearings required by the decisions of the United States Supreme Court in McKoy v. North Carolina, decided March 5, 1990, and of the Supreme Court of North Carolina upon remand of that case, including the payment of attorneys' fees and related expenses for representation of indigent persons as specified in Subchapter IX of Chapter 7A of the General Statutes. As determined by the Director of the Administrative Office of the Courts, any amounts in this fund not required to meet the needs of special capital case rehearings may be transferred to the Indigent Persons' Attorney Fee Fund.

Requested by: Representatives Justus, Thompson, Daughtry,
Senators Ballance, Rand

COMMUNITY PENALTIES PROGRAM

Sec. 21.9. (a) Of the funds appropriated from the General Fund to the Judicial Department for the 1995–97 biennium to conduct the Community Penalties program, the sum of three million four hundred eighty–four thousand nine

hundred twelve dollars ($3,484,912) for the 1995–96 fiscal year and the sum of four million one hundred thirty–four thousand nine hundred twelve dollars ($4,134,912) for the 1996–97 fiscal year may be allocated by the Judicial Department in each year of the biennium in any amount among existing community penalties programs, including any State–operated programs, or may be used to establish new State–operated community penalties programs.

(b) The Judicial Department shall report annually to the Senate and House Appropriations Subcommittees on Justice and Public Safety and to the Fiscal Research Division on the administrative expenditures of the community penalties programs. The Judicial Department shall report quarterly to the Joint Legislative Commission on Governmental Operations on any elimination or reduction of funding for community penalties programs funded in the 1994–95 fiscal year or any program receiving initial funding during the 1995–97 biennium.

(c) G.S. 7A–771(1) reads as rewritten:

"(1) 'Community penalties program' means an agency or State–run office within the judicial district which shall (i) prepare community penalty plans; (ii) arrange or contract with public and private agencies for necessary services for offenders; and (iii) monitor the progress of offenders placed on community penalty plans."

(d) G.S. 7A–772 reads as rewritten:

"**§ 7A–772. Allocation of funds.**

(a) The Director may award grants in accordance with the policies established by this Article and in accordance with any laws made for that purpose, including appropriations acts and provisions in appropriations acts, and adopt regulations for the implementation, operation, and monitoring of community penalties programs. Community penalties programs that are grantees shall use such funds to develop, implement, and monitor community penalty plans. Grants shall be awarded by the Director to agencies whose comprehensive program plans promise best to meet the goals set forth herein.

(b) The Director may establish local community penalties programs and appoint those staff as the Director deems necessary. These personnel may serve as full–time or part–time State employees or may be hired on a contractual basis when determined appropriate by the director. Contracts entered under the authority of this subsection shall be exempt from the competitive bidding procedures under Chapter 143 of the General Statutes. The Administrative Office of the Courts shall adopt rules necessary and appropriate for the administration of the program. Funds appropriated by the General Assembly for the establishment and maintenance of community penalties programs under this Article shall be administered by the Administrative Office of the Courts."

(e) G.S. 7A–773 reads as rewritten:

"**§ 7A–773. Responsibilities of a community penalties program.**

A community penalties program shall be responsible for:

(1) Targeting offenders who are eligible to receive an intermediate punishment based on their class of offense and prior record level and who face an imminent and substantial threat of imprisonment.

(2) Preparing detailed community penalty plans for presentation to the sentencing judge by the offender's ~~attorney.~~ attorney or at the request of the sentencing judge.

(3) Contracting or arranging with public or private agencies for services described in the community penalty plan.

(4) Monitoring the progress of offenders under community penalty plans."

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Daughtry

COURT REPORTING/USE OF AUDIO AND VIDEO EQUIPMENT

Sec. 21.10. (a) The Administrative Office of the Courts may use funds appropriated in this act for State court reporter positions and support, including contractual services, to purchase audio and video recording equipment for use in the courtroom, provided that the purchase is to implement budget reductions for court reporter programs as required in this act.

(b) The Office of the State Auditor shall study the court reporting system and determine the most cost-effective and appropriate use of official State court reporters, contractual reporters, and audio and video recording equipment for court reporting. The Office of the State Auditor shall consult with the Association of Official Court Reporters as part of the study. The study shall identify specific cost savings that would result from the implementation of the study recommendations. The Office of the State Auditor shall report to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the results of this study by April 1, 1996.

(c) Any reduction in official court reporter positions pursuant to this section shall be implemented notwithstanding the provisions of G.S. 7A-198(f) and G.S. 7A-95(e).

(d) The Administrative Office of the Courts shall make reasonable efforts to assist official State court reporters and district court reporters in obtaining employment within the court system.

Requested by: Representatives Justus, Thompson,
Senator Ballance

FUNDING OF JUDGESHIPS

Sec. 21.11. The Judicial Department may use funds available to the Department to fund the district court judgeships authorized in Section 200.6 of Chapter 321 of the 1993 Session Laws for District Court Districts 3A, 8, 12, and 18 upon the assumption of office by the initial holders of those judgeships.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Daughtry

GUARDIAN *AD LITEM* STUDY

Sec. 21.12. (a) The Legislative Research Commission may study the Guardian *Ad Litem* program in the Judicial Department and the Children's Services program in the Division of Social Services. The study shall:

(1) Identify the amount and source of funding for legal services and administration in child abuse and neglect and dependency cases in those programs;

(2) Identify the legal participants involved in child abuse and neglect and dependency court cases and each participant's responsibilities;

(3) Study the purpose and activities of each program and identify activities that are similar;

(4) Identify federal mandates and any federal funding that would be affected by any changes in legal services or administration of either program, and determine whether any federal funds are available to fund the Guardian *Ad Litem* program;

(5) Review guardian *ad litem* programs and children's services in other states, including cost-saving measures taken by those states, and identify other methods of administering and funding those programs;

(6) Identify methods of reducing the costs for attorneys involved in child abuse and neglect and dependency cases;

(7) Review administrative costs of each program and identify possible cost savings; and

(8) Determine the extent to which guardian *ad litem* attorneys are performing duties normally handled by volunteers and identify methods to reduce such practices.

(b) The Commission may report its findings to the 1996 Regular Session of the 1995 General Assembly.

Requested by: Representatives Justus, Thompson, Daughtry, Senators Ballance, Rand

CHANGE GUARDIAN *AD LITEM* APPOINTMENT

Sec. 21.13. G.S. 7A-586(a) reads as rewritten:

"(a) When in a petition a juvenile is alleged to be abused or neglected, the judge shall appoint a guardian *ad litem* to represent the juvenile. When a juvenile is alleged to be dependent, the judge may appoint a guardian *ad litem* to represent the juvenile. The guardian *ad litem* and attorney advocate have standing to represent the juvenile in all actions under this Subchapter where they have been appointed. The appointment shall be made pursuant to the program established by Article 39 of this Chapter unless representation is otherwise provided pursuant to G.S. 7A-491 or G.S. 7A-492. The appointment shall terminate at the end of two years. Upon motion of any party including the guardian *ad litem*, or upon the judge's own motion, the guardian *ad litem* may be reappointed upon a showing of good cause. In every case where a nonattorney is appointed as a guardian *ad litem*, an attorney shall be appointed in the case in order to assure protection of the child's legal rights ~~within the proceeding~~. through the dispositional phase of the proceedings, and after disposition when necessary to further the best interests of the child. The duties of the guardian *ad litem* program shall be to make an investigation to determine the facts, the needs of the juvenile, and the available resources within the family and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to offer evidence and examine witnesses at adjudication; to explore options with the judge at the dispositional hearing; and to protect and promote the best interest of the juvenile until formally relieved of the responsibility by the judge."

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

N.C. STATE BAR FUNDS

Sec. 21.14. Of the funds appropriated in this act as a grant-in-aid to the North Carolina State Bar for the 1995-97 fiscal biennium, the North Carolina State Bar may in its discretion use up to the sum of two hundred fifty thousand dollars ($250,000) for the 1995-96 fiscal year and up to the sum of two hundred

fifty thousand dollars ($250,000) for the 1996–97 fiscal year to further the criminal justice system.

PART 22. DEPARTMENT OF JUSTICE

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Daughtry

REVERSION OF CERTAIN INSURANCE SETTLEMENT PROCEEDS

Sec. 22. (a) Section 23.5 of Chapter 769 of the 1993 Session Laws, Regular Session 1994, is repealed.

(b) Any funds received by the Department of Justice in settlement of insurance claims arising from damage to the Blue Bell building at the North Carolina Justice Academy shall be expended by the Department for replacement of the building and for no other purpose. If any appropriation is made to the Department for replacement of the Blue Bell Building, then any funds received as insurance settlement proceeds shall revert to the General Fund.

(c) Subsection (a) of this section becomes effective June 30, 1995.

Requested by: Representatives Justus, Thompson,
Senator Ballance

DEPARTMENT OF JUSTICE SALARY FUNDS

Sec. 22.1. Of the funds appropriated to the Department of Justice in this act, the sum of ninety–three thousand four hundred fifty–three dollars ($93,453) for the 1995–96 fiscal year and the sum of ninety–three thousand four hundred fifty–three dollars ($93,453) for the 1996–97 fiscal year may be used for one–time annual salary adjustments for attorneys who are determined to be eligible for the adjustments based upon outstanding job performance for the preceding year.

Requested by: Representatives Justus, Thompson,
Senator Ballance

SBI FUNDS/SPENDING PRIORITIES

Sec. 22.2. Of the funds appropriated in this act to the Department of Justice, State Bureau of Investigation, for the 1995–97 biennium for overtime payments, the first priority for use of the funds by the Department shall be:

(1) To make overtime payments to SBI agents in the Field Investigations Division; and

(2) To make overtime payments to supervisory personnel receiving overtime payments as of June 30, 1995, up to a maximum of five thousand two hundred dollars ($5,200) annually per individual.

Requested by: Representatives Justus, Thompson,
Senator Ballance

SBI USE OF COURT–ORDERED REIMBURSEMENT FUNDS

Sec. 22.3. The State Bureau of Investigation (SBI) may use funds available from court–ordered reimbursement in undercover drug operations.

Requested by: Representatives Justus, Thompson,
Senator Ballance

PRIVATE PROTECTIVE SERVICES AND ALARM SYSTEMS LICENSING BOARDS PAY FOR USE OF STATE FACILITIES AND SERVICES

Sec. 22.4. The Private Protective Services and Alarm Systems Licensing

Boards shall pay the appropriate State agency for the use of physical facilities and services provided to those boards by the State.

Requested by: Representatives Justus, Thompson, Daughtry,
Senators Ballance, Rand

LIMITS ON COMPUTER SYSTEM UPGRADE

Sec. 22.5. Any proposed increase in mainframe computer capacity or system upgrade for the Judicial Department, the Department of Correction, the Department of Justice, or the Department of Crime Control and Public Safety, to be funded from the Continuation Budget, shall be reported to the Joint Legislative Commission on Governmental Operations, to the Senate and House Chairs of the Appropriations Committees, and to the Chairs of the Justice and Public Safety Committees before the department enters into any contractual agreement. This report is to be made jointly by the Information Resource Management Commission, the Office of State Budget and Management, and the requesting department.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Daughtry

CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENT AGENCIES

Sec. 22.6. Client departments, agencies, and boards shall reimburse the Department for reasonable court fees, attorney travel and subsistence costs, and other costs directly related to litigation in which the Department is representing that client department, agency, or board.

Requested by: Representatives Justus, Thompson, Daughtry,
Senators Ballance, Rand

USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT

Sec. 22.7. (a) Assets transferred to the Department of Justice during the 1995–97 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of that Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1995–97 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of that Department and shall result in an increase of law enforcement resources for the Department. The Departments shall report to the Joint Legislative Commission on Governmental Operations upon the receipt of these assets and, before using these assets, shall report the intended use of these assets and the departmental priorities on which the assets may be expended.

The General Assembly finds that the use of these assets for new personnel positions, new projects, the acquisition of real property, repair of buildings where such repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods; therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly, except during the 1995–97 biennium, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty–five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for SBI training; and

(2) Use an amount not to exceed fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle.

(b) Nothing in this section prevents North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a.

PART 23. DEPARTMENT OF HUMAN RESOURCES

Requested by: Senators Martin of Guilford, Conder, Representatives Gardner, Hayes, Nye, Russell

REDUCE DHR FUNDS IN ANTICIPATION OF RECEIPT OF FEDERAL FUNDS

Sec. 23. Funds appropriated to the Department of Human Resources for the 1995–96 fiscal year have been reduced by fourteen million thirteen thousand three hundred ninety–six dollars ($14,013,396) in anticipation of the receipt of federal funds from the Title IV A – Emergency Assistance Program and the Social Services Block Grant. If these federal funds are not received or if only a portion of these funds are received, notwithstanding G.S. 143–15.3, the Director of the Budget may use funds available to the Department, not to exceed fourteen million thirteen thousand three hundred ninety–six dollars ($14,013,396). The Director of the Budget shall report to the Joint Legislative Commission on Governmental Operations prior to any such transfer.

Requested by: Representatives Gardner, Hayes, Senator Martin of Guilford

DHR EMPLOYEES/IN–KIND MATCH

Sec. 23.1. Notwithstanding the limitations of G.S. 143B–139.4, the Secretary of the Department of Human Resources may assign employees of the Office of Rural Health and Resource Development to serve as in–kind match to nonprofit corporations working to establish health care programs that will improve health care access while controlling costs.

Requested by: Representatives Gardner, Hayes, Senator Martin of Guilford

LIABILITY INSURANCE

Sec. 23.2. The Secretary of the Department of Human Resources, the Secretary of the Department of Environment, Health, and Natural Resources, and the Secretary of the Department of Correction may provide medical liability coverage not to exceed one million dollars ($1,000,000) on behalf of employees of the Departments licensed to practice medicine or dentistry and on behalf of physicians in all residency training programs from The University of North Carolina who are in training at institutions operated by the Department of Human Resources. This coverage may include commercial insurance or self–insurance and shall cover these individuals for their acts or omissions only while they are engaged in providing medical and dental services pursuant to their State employment or training.

The coverage provided under this section shall not cover any individual for any act or omission that the individual knows or reasonably should know constitutes a violation of the applicable criminal laws of any state or the United States, or that arises out of any sexual, fraudulent, criminal, or malicious act, or out of any act amounting to willful or wanton negligence.

The coverage provided pursuant to this section shall not require any additional appropriations and shall not apply to any individual providing contractual service to the Department of Human Resources, the Department of Environment, Health, and Natural Resources, or the Department of Correction, with the exception that coverage may include physicians in all residency training programs from The University of North Carolina who are in training at institutions operated by the Department of Human Resources.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

TRANSFERS OF CERTAIN FUNDS AUTHORIZED

Sec. 23.3. In order to assure maximum utilization of funds in county departments of social services, county or district health agencies, and area mental health, developmental disabilities, and substance abuse authorities, the Director of the Budget may transfer excess funds appropriated to a specific service, program, or fund, whether specified service in a block grant plan or General Fund appropriation, into another service, program, or fund for local services within the budget of the respective State agency.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

HEALTH CENTERS' PURCHASE OF MEDICATIONS

Sec. 23.4. Notwithstanding any provisions of law to the contrary, State rural health centers and federally funded community and migrant health centers shall be permitted to purchase medications by participating in contracts administered by the Department of Administration, Division of Purchase and Contract.

Requested by: Representatives Gardner, Hayes, Nye, Russell,
Senators Martin of Guilford, Conder

DIVISION OF FAMILY DEVELOPMENT ABOLISHED

Sec. 23.5. The Division of Family Development of the Department of Human Resources is abolished. The Family Preservation Program is transferred to the Division of Social Services of the Department of Human Resources. The Family Support Program is transferred to the Division of Child Development of the Department of Human Resources. The Office of Economic Opportunity is transferred to the Office of the Secretary of the Department of Human Resources.

All transfers required by this section shall include the transfer of all appropriations, budgets, and powers and duties.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

S.O.S. AND FAMILY RESOURCE CENTER
GRANT PROGRAMS ADMINISTRATIVE COSTS LIMITS

Sec. 23.6. (a) Of the funds appropriated to the Department of Human Resources in this act, the Department may use up to a total of three hundred fifty thousand dollars ($350,000) each fiscal year of the biennium to administer the S.O.S. Program, to provide technical assistance to applicants and to local S.O.S. programs, and to evaluate the local S.O.S. programs. The Department may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services.

(b) Of the funds appropriated in this act to the Department of Human Resources for the Family Resource Center Grant Program, the Department may use up to three hundred thousand dollars ($300,000) each fiscal year of the biennium to administer the Program.

Requested by: Senators Martin of Guilford, Conder,
Representatives Gardner, Hayes, Nye, Russell

COUNCIL ON DEVELOPMENTAL DISABILITIES SERVICES MAINTAINED

Sec. 23.6A. The Department of Human Resources is encouraged to maintain grants provided at the local level through the Council on Developmental Disabilities at the level funded in the 1994–95 fiscal year. Notwithstanding any law to the contrary, the Department may use funds available to it to maintain this minimum level of funding.

Requested by: Senators Martin of Guilford, Conder,
Representatives Gardner, Hayes, Nye, Russell

DHR RESOURCE STUDIES

Sec. 23.6B. The Department shall study the following two issues and shall report these two issues, together with any recommendations, to the 1995 General Assembly, Regular Session 1996, within one week of convening:

(1) The average staff vacancy rate by division over the last five fiscal years, to determine its effect on lapsed salaries; and

(2) An analysis of unbudgeted revenues in excess of revenues in the certified budget as amended by the General Assembly received by the Department in the last two fiscal years, including:
   a. Indirect cost receipts; and
   b. Prior year earned revenue.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

DAY CARE FUNDS MATCHING REQUIREMENT

Sec. 23.7. No local matching funds may be required by the Department of Human Resources as a condition of any locality's receiving any State day care funds appropriated by this act unless federal law requires such a match.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

DAY CARE ALLOCATION FORMULA

Sec. 23.8. (a) To simplify current day care allocation methodology and more equitably distribute State day care funds, the Department of Human Resources shall apply the following allocation formula to all noncategorical federal and State day care funds used to pay the costs of necessary day care for minor children of needy families:

(1) One–third of budgeted funds shall be distributed according to the county's population in relation to the total population of the State;

(2) One–third of the budgeted funds shall be distributed according to the number of children under 6 years of age in a county who are living in families whose income is below the State poverty level in relation to the total number of children under 6 years of age in the State in families whose income is below the poverty level; and

(3) One-third of budgeted funds shall be distributed according to the number of working mothers with children under 6 years of age in a county in relation to the total number of working mothers with children under 6 years of age in the State.

(b) A county's initial allocation shall not be less than that county's initial allocation was in fiscal year 1990–91 under the formula prescribed by Section 102 of Chapter 500 of the 1989 Session Laws. However, if the total amount available to allocate is less than the amount allocated by formula in the 1990–91 fiscal year, a county's allocation may be less than the county's initial allocation was in that fiscal year.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

CHILD DAY CARE REVOLVING LOAN FUND

Sec. 23.9. Notwithstanding any law to the contrary, funds budgeted for the Child Day Care Revolving Loan Fund may be transferred to and invested by the financial institution contracted to operate the Fund. The principal and any income to the Fund may be used to make loans, reduce loan interest to borrowers, serve as collateral for borrowers, pay the contractor's cost of operating the Fund, or to pay the Department's cost of administering the program.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

DAY CARE

Sec. 23.10. Except for the allocation of support costs from federal grants by the General Assembly or the reallocation of federal grant funds by the Office of State Budget and Management, the Department of Human Resources shall distribute the funds appropriated and otherwise available to it for the purchase of day care for minor children of needy families so as to serve the greatest number of children possible.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

DAY CARE RATES

Sec. 23.11. (a) Rules for the monthly schedule of payments for the purchase of day care services for low-income children shall be established by the Social Services Commission pursuant to G.S. 143B-153(8)a., in accordance with the following requirements:

(1) For day care facilities, as defined in G.S. 110-86(3), in which fewer than fifty percent (50%) of the enrollees are subsidized by State or federal funds, the State shall continue to pay the same fee paid by private paying parents for a child in the same age group in the same facility.

(2) Facilities in which fifty percent (50%) or more of the enrollees are subsidized by State or federal funds may be paid the rate established by the local purchasing agency, not to exceed the county market rate.

(3) A market rate shall be calculated for each county and for each age group or age category of enrollees and shall be representative of fees charged to unsubsidized private paying parents for each age group of enrollees within the county. The county market rates shall be

calculated from facility fee schedules collected by the Division of Child Development on a routine basis. The Division shall also calculate a statewide market rate for each age category. The Division may also calculate regional market rates for each age group and age category. The Social Services Commission shall adopt rules to establish minimum county rates that use the statewide market rates as a reference point.

(4) Child day care homes as defined in G.S. 110–86(4) and other home–based day care arrangements that are not required to be regulated by the State licensing agency may be paid the rate established by the local purchasing agency, not to exceed market rate for day care homes, which shall be calculated at least biennially by the Division of Child Development according to the method described in subdivision (3) of subsection (a) of this section.

(b) Facilities licensed pursuant to Article 7 of Chapter 110 of the General Statutes may participate in the program that provides for the purchase of care in day care facilities for minor children of needy families. No separate licensing requirements shall be used to select facilities to participate. In addition, day care facilities shall be required to meet any additional applicable requirements of federal law or regulations.

Day care homes as defined in G.S. 110–86(4) from which the State purchases day care services shall meet the standards established by the Child Day Care Commission pursuant to G.S. 110–101 and G.S. 110–105.1 and any additional requirements of State law or federal law or regulations. Child care arrangements exempt from State regulation pursuant to Article 7 of Chapter 110 of the General Statutes shall meet the requirements established by other State law and by the Social Services Commission.

County departments of social services or other local contracting agencies shall not use a provider's failure to comply with requirements in addition to those specified in this subsection as a condition for reducing the provider's subsidized child day care rate.

(c) County departments of social services shall continue to negotiate with day care providers for day care services below those rates prescribed by subsection (a) of this section. County departments shall purchase day care services so as to serve the greatest number of children possible with existing resources.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES QUALITY ASSURANCE/ACCOUNTABILITY

Sec. 23.12. (a) The General Assembly finds, in consultation with the Governor, that it is essential to begin to develop comprehensive programs that provide high quality early childhood education and development services locally for children and their families. The General Assembly also finds that it is equally essential that these programs be developed in a manner that will provide both quality assurance and performance–based accountability to the children, their families, their communities, and the State.

(b) The Department of Human Resources shall develop and implement a performance–based evaluation system to evaluate the Early Childhood Education

and Development Initiatives authorized by Part 10B of Article 3 of Chapter 143B of the General Statutes, if enacted. The Department shall design this system:

(1) To incorporate the elements of a formative evaluation, including process and efficiency studies, and of a summative evaluation, including outcome and effectiveness studies, in order to:

a. Provide information to the Department and to the General Assembly on how to improve and refine the Programs;

b. Enable the Department and the General Assembly to assess the overall quality and impact of the existing Programs and any future ones; and

c. Enable the Department and the General Assembly to determine whether to make the Early Childhood Education and Development Initiatives statewide;

(2) To focus the Programs, as they develop and continue, on quality assurance, by making quality a central and ongoing priority and to ensure that quality improvement efforts address outcomes, such as functions and processes, rather than persons, specific details, or paperwork;

(3) To use reliable statistical methods to measure performance of processes, functions, efforts, and outcomes, which methods shall allow adequate tracking of children and families through the program and into the school system, in order to provide a real, objective measure of the outcome of the Programs; and

(4) To provide a detailed fiscal analysis of the use to which State funds for these Programs are put.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES PLAN

Sec. 23.13. Counties participating in the Early Childhood Education and Development Initiatives authorized by Part 10B of Article 3 of Chapter 143B of the General Statutes may use the county's allocation of State and federal child care funds to subsidize child care according to the county's Early Childhood Education and Development Initiatives Plan as approved by the Department of Human Resources. The use of federal funds shall be consistent with the appropriate federal regulations. Day care providers shall, at a minimum, comply with the applicable requirements for State licensure or registration pursuant to Article 7 of Chapter 110 of the General Statutes, with other applicable requirements of State law or rule, including rules adopted for nonregistered day care by the Social Services Commission, and with applicable federal regulations.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

MEDICAID

Sec. 23.14. (a) Funds appropriated in this act for services provided in accordance with Title XIX of the Social Security Act (Medicaid) are for both the categorically needy and the medically needy. Funds appropriated for these services shall be expended in accordance with the following schedule of services and payment bases. All services and payments are subject to the language at the end of this subsection.

Services and payment bases:

(1) Hospital–Inpatient – Payment for hospital inpatient services will be prescribed in the State Plan as established by the Department of Human Resources. Administrative days for any period of hospitalization shall be limited to a maximum of three days.

(2) Hospital–Outpatient – Eighty percent (80%) of allowable costs or a prospective reimbursement plan as established by the Department of Human Resources.

(3) Nursing Facilities – Payment for nursing facility services will be prescribed in the State Plan as established by the Department of Human Resources. Nursing facilities providing services to Medicaid recipients who also qualify for Medicare, must be enrolled in the Medicare program as a condition of participation in the Medicaid program. State facilities are not subject to the requirement to enroll in the Medicare program.

(4) Intermediate Care Facilities for the Mentally Retarded – As prescribed in the State Plan as established by the Department of Human Resources.

(5) Drugs – Drug costs as allowed by federal regulations plus a professional services fee per month excluding refills for the same drug or generic equivalent during the same month. Reimbursement shall be available for up to six prescriptions per recipient, per month, including refills. Payments for drugs are subject to the provisions of subsection (f) of this section and to the provisions at the end of subsection (a) of this section, or in accordance with the State Plan adopted by the Department of Human Resources consistent with federal reimbursement regulations. Payment of the professional services fee shall be made in accordance with the Plan adopted by the Department of Human Resources, consistent with federal reimbursement regulations. The professional services fee shall be five dollars and sixty cents ($5.60) per prescription. Adjustments to the professional services fee shall be established by the General Assembly.

(6) Physicians, Chiropractors, Podiatrists, Optometrists, Dentists, Certified Nurse Midwife Services – Fee schedules as developed by the Department of Human Resources. Payments for dental services are subject to the provisions of subsection (g) of this section.

(7) Community Alternative Program, EPSDT Screens – Payment to be made in accordance with rate schedule developed by the Department of Human Resources.

(8) Home Health and Related Services, Private Duty Nursing, Clinic Services, Prepaid Health Plans, Durable Medical Equipment – Payment to be made according to reimbursement plans developed by the Department of Human Resources.

(9) Medicare Buy–In – Social Security Administration premium.

(10) Ambulance Services – Uniform fee schedules as developed by the Department of Human Resources.

(11) Hearing Aids – Actual cost plus a dispensing fee.

(12) Rural Health Clinic Services – Provider–based – reasonable cost; nonprovider based – single cost reimbursement rate per clinic visit.

(13) Family Planning – Negotiated rate for local health departments. For other providers – see specific services, for instance, hospitals, physicians.

(14) Independent Laboratory and X–Ray Services – Uniform fee schedules as developed by the Department of Human Resources.

(15) Optical Supplies – One hundred percent (100%) of reasonable wholesale cost of materials.

(16) Ambulatory Surgical Centers – Payment as prescribed in the reimbursement plan established by the Department of Human Resources.

(17) Medicare Crossover Claims – An amount up to the actual coinsurance or deductible or both, in accordance with the Plan, as approved by the Department of Human Resources.

(18) Physical Therapy and Speech Therapy – Services limited to EPSDT eligible children. Payments are to be made only to the Children's Special Health Services program at rates negotiated by the Department of Human Resources.

(19) Personal Care Services – Payment in accordance with Plan approved by the Department of Human Resources.

(20) Case Management Services – Reimbursement in accordance with the availability of funds to be transferred within the Department of Human Resources.

(21) Hospice – Services may be provided in accordance with Plan developed by the Department of Human Resources.

(22) Other Mental Health Services – Unless otherwise covered by this section, coverage is limited to agencies meeting the requirements of the rules established by the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, and reimbursement is made in accordance with a Plan developed by the Department of Human Resources not to exceed the upper limits established in federal regulations.

(23) Medically Necessary Prosthetics or Orthotics for EPSDT Eligible Children – Reimbursement in accordance with Plan approved by the Department of Human Resources.

(24) Health Insurance Premiums – Payments to be made in accordance with the Plan adopted by the Department of Human Resources consistent with federal regulations.

(25) Medical Care/Other Remedial Care – Services not covered elsewhere in this section include related services in schools; health professional services provided outside the clinic setting to meet maternal and infant health goals; and services to meet federal EPSDT mandates. Services addressed by this paragraph are limited to those prescribed in the State Plan as established by the Department of Human Resources. Providers of these services must be certified as meeting program standards of the Department of Environment, Health, and Natural Resources.

(26) Pregnancy Related Services – Covered services for pregnant women shall include nutritional counseling, psychosocial counseling, and predelivery and postpartum home visits by maternity care coordinators and public health nurses.

Services and payment bases may be changed with the approval of the Director of the Budget.

Reimbursement is available for up to 24 visits per recipient per year to any one or combination of the following: physicians, clinics, hospital outpatient, optometrists, chiropractors, and podiatrists. Prenatal services, all EPSDT children, and emergency rooms are exempt from the visit limitations contained in this paragraph. Exceptions may be authorized by the Department of Human Resources where the life of the patient would be threatened without such additional care. Any person who is determined by the Department to be exempt from the 24–visit limitation may also be exempt from the six–prescription limitation.

(b) Allocation of Nonfederal Cost of Medicaid. The State shall pay eighty–five percent (85%); the county shall pay fifteen percent (15%) of the nonfederal costs of all applicable services listed in this section.

(c) Copayment for Medicaid Services. The Department of Human Resources may establish copayment up to the maximum permitted by federal law and regulation.

(d) Medicaid and Aid to Families With Dependent Children Income Eligibility Standards. The maximum net family annual income eligibility standards for Medicaid and Aid to Families with Dependent Children, and the Standard of Need for Aid to Families with Dependent Children shall be as follows:

Categorically Needy		Medically Needy	
Family Size	Standard of Need	AFDC Payment Level*	AA, AB, AD*
1	$ 4,344	$ 2,172	$ 2,900
2	5,664	2,832	3,800
3	6,528	3,264	4,400
4	7,128	3,564	4,800
5	7,776	3,888	5,200
6	8,376	4,188	5,600
7	8,952	4,476	6,000
8	9,256	4,680	6,300

*Aid to Families With Dependent Children (AFDC); Aid to the Aged (AA); Aid to the Blind (AB); and Aid to the Disabled (AD).

The payment level for Aid to Families With Dependent Children shall be fifty percent (50%) of the standard of need.

These standards may be changed with the approval of the Director of the Budget with the advice of the Advisory Budget Commission.

(e) All Elderly, Blind, and Disabled Persons who receive Supplemental Security Income are eligible for Medicaid coverage.

(f) ICF and ICF/MR Work Incentive Allowances. The Department of Human Resources may provide an incentive allowance to Medicaid–eligible recipients of ICF and ICF/MR facilities who are regularly engaged in work activities as part of their developmental plan and for whom retention of additional income contributes to their achievement of independence. The State funds required to

match the federal funds that are required by these allowances shall be provided from savings within the Medicaid budget or from other unbudgeted funds available to the Department. The incentive allowances may be as follows:

Monthly Net Wages	Monthly Incentive Allowance
$1.00 to $100.99	Up to $50.00
$101.00 – $200.99	$80.00
$201.00 to $300.99	$130.00
$301.00 and greater	$212.00.

(g) Dental Coverage Limits. Dental services shall be provided on a restricted basis in accordance with rules adopted by the Department to implement this subsection.

(h) Dispensing of Generic Drugs. Notwithstanding G.S. 90–85.27 through G.S. 90–85.31, under the Medical Assistance Program (Title XIX of the Social Security Act) a prescription order for a drug designated by a trade or brand name shall be considered to be an order for the drug by its established or generic name, except when the prescriber personally indicates, either orally or in his own handwriting on the prescription order, "dispense as written" or words of similar meaning. Generic drugs, when available in the pharmacy, shall be dispensed at a lower cost to the Medical Assistance Program rather than trade or brand name drugs, subject to the prescriber's "dispense as written" order as noted above.

As used in this subsection "brand name" means the proprietary name the manufacturer places upon a drug product or on its container, label, or wrapping at the time of packaging; and "established name" has the same meaning as in section 502(e)(3) of the Federal Food, Drug, and Cosmetic Act as amended, 21 U.S.C. §352(e)(3).

(i) Exceptions to Service Limitations, Eligibility Requirements, and Payments. Service limitations, eligibility requirements, and payments bases in this section may be waived by the Department of Human Resources, with the approval of the Director of the Budget, to allow the Department to carry out pilot programs for prepaid health plans, managed care plans, or community–based services programs in accordance with plans approved by the United States Department of Health and Human Services, or when the Department determines that such a waiver will result in a reduction in the total Medicaid costs for the recipient.

(j) Volume Purchase Plans and Single Source Procurement. The Department of Human Resources, Division of Medical Assistance, may, subject to the approval of a change in the State Medicaid Plan, contract for services, medical equipment, supplies, and appliances by implementation of volume purchase plans, single source procurement, or other similar processes in order to improve cost containment.

(k) Cost Containment Programs. The Department of Human Resources, Division of Medical Assistance, may undertake cost containment programs including preadmissions to hospitals and prior approval for certain outpatient surgeries before they may be performed in an inpatient setting.

(l) For all Medicaid eligibility classifications for which the federal poverty level is used as an income limit for eligibility determination, the income limits will be updated each April 1 immediately following publication of federal poverty guidelines.

(m) The Department of Human Resources shall provide Medicaid to 19–, 20–, and 21–year olds in accordance with federal rules and regulations.

(n) The Department of Human Resources shall provide coverage to pregnant women and to children according to the following schedule:

(1) Pregnant women with incomes equal to or less than one hundred eighty–five percent (185%) of the federal poverty guidelines as revised each April 1 shall be covered for Medicaid benefits;

(2) Infants under the age of 1 with family incomes equal to or less than one hundred eighty–five percent (185%) of the federal poverty guidelines as revised each April 1 shall be covered for Medicaid benefits;

(3) Children aged 1 through 5 with family incomes equal to or less than one hundred thirty–three percent (133%) of the federal poverty guidelines as revised each April 1 shall be covered for Medicaid benefits;

(4) Children aged 6 through 18 with family incomes equal to or less than the federal poverty guidelines as revised each April 1 shall be covered for Medicaid benefits. Services to pregnant women eligible under this section continue throughout the pregnancy but include only those related to pregnancy and to those other conditions determined by the Department as conditions that may complicate pregnancy. In order to reduce county administrative costs and to expedite the provision of medical services to pregnant women, to infants, and to children eligible under this section, no resources test shall be applied; and

(5) The Department of Human Resources shall provide Medicaid coverage for adoptive children with special or rehabilitative needs regardless of the adoptive family's income.

(o) The Department of Human Resources may use Medicaid funds budgeted from program services to support the cost of administrative activities to the extent that these administrative activities produce a net savings in services requirements. Administrative initiatives funded by this section shall be first approved by the Office of State Budget and Management.

(p) The Department of Human Resources shall submit a monthly status report on expenditures for acute care and long–term care services to the Fiscal Research Division and to the Office of State Budget and Management. This report shall include an analysis of budgeted versus actual expenditures for eligibles by category and for long–term care beds. In addition, the Department shall revise the program's projected spending for the current fiscal year and the estimated spending for the subsequent fiscal year on a quarterly basis. Reports for the preceding month shall be forwarded to the Fiscal Research Division and to the Office of State Budget and Management no later than the third Thursday of the month.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

NONMEDICAID REIMBURSEMENT

Sec. 23.16. Providers of medical services under the various State programs, other than Medicaid, offering medical care to citizens of the State shall be reimbursed at rates no more than those under the North Carolina Medical Assistance Program.

The Department of Human Resources may reimburse hospitals at the full prospective *per diem* rates without regard to the Medical Assistance Program's annual limits on hospital days. When the Medical Assistance Program's *per diem* rates for inpatient services and its interim rates for outpatient services are used to reimburse providers in non–Medicaid medical service programs, retroactive adjustments to claims already paid shall not be required.

Notwithstanding the provisions of paragraph one, the Department of Human Resources may negotiate with providers of medical services under the various Department of Human Resources programs, other than Medicaid, for rates as close as possible to Medicaid rates for the following purposes: contracts or agreements for medical services and purchases of medical equipment and other medical supplies. These negotiated rates are allowable only to meet the medical needs of its non–Medicaid eligible patients, residents, and clients who require such services which cannot be provided when limited to the Medicaid rate.

Maximum net family annual income eligibility standards for services in these programs shall be as follows:

Family Size	Medical Eye Care Adults	All Rehabilitation	Other
1	$ 4,860	$ 8,364	$ 4,200
2	5,940	10,944	5,300
3	6,204	13,500	6,400
4	7,284	16,092	7,500
5	7,824	18,648	7,900
6	8,220	21,228	8,300
7	8,772	21,708	8,800
8	9,312	22,220	9,300

The eligibility level for children in the Medical Eye Care Program in the Division of Services for the Blind and for adults in the Clozaril Program in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services shall be one hundred percent (100%) of the federal poverty guidelines, as revised annually by the United States Department of Health and Human Services and in effect on July 1 of each fiscal year.

The Department of Human Resources shall contract at, or as close as possible to, Medicaid rates for medical services provided to residents of State facilities of the Department.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

PRIVATE AGENCY UNIFORM COST FINDING REQUIREMENT

Sec. 23.17. To ensure uniformity in rates charged to area programs and funded with State–allocated resources, the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Human Resources may require a private agency that provides services under contract with two or more area programs, except for hospital services that have an established Medicaid rate, to complete an agency–wide uniform cost finding in accordance with G.S. 122C–143.2(a) and G.S. 122C–147.2. The resulting cost shall be the

maximum included for the private agency in the contracting area program's unit cost finding.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

CLIENT SERVICES MONITORING

Sec. 23.17A. The Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, shall utilize a system of monitoring and control for client services. This system shall ascertain whether services are provided in a timely manner. Notwithstanding any other provisions of law, the Division shall withhold area mental health agencies' administrative funds until services are provided in a timely manner.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

NONSUPPLANTING OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE FUNDS

Sec. 23.18. The Department of Human Resources shall ensure that counties do not reduce county appropriations and expenditures for area mental health, developmental disabilities, and substance abuse authorities because the authorities have received additional State appropriations for services.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

MIXED BEVERAGE TAX FOR AREA MENTAL HEALTH PROGRAMS

Sec. 23.19. Funds received by the Department of Human Resources from the tax levied on mixed beverages under G.S. 18B–804(b)(8) shall be expended by the Department of Human Resources as prescribed by G.S. 18B–805(h). These funds shall be allocated to the area mental health programs for substance abuse services on a *per capita* basis as determined by the Office of State Budget and Management's most recent estimates of county populations.

Requested by: Senators Martin of Guilford, Conder,
Representatives Gardner, Hayes, Nye, Russell

WILLIE M.

Sec. 23.20. (a) Legislative Findings. — The General Assembly finds:

(1) That there is a need in North Carolina to provide appropriate treatment and education programs to children under the age of 18 who suffer from emotional, mental, or neurological handicaps accompanied by violent or assaultive behavior;

(2) That children meeting these criteria have been identified as a Class in the case of Willie M., et al. v. Hunt, et al., formerly Willie M., et al. v. Martin, et al.; and

(3) That these children have a need for a variety of services, in addition to those normally provided, that may include, but are not limited to, residential treatment services, educational services, and independent living arrangements.

(b) Funds appropriated by the General Assembly to the Department of Human Resources for serving members of the Willie M. Class shall be expended only for programs serving members of the Willie M. Class identified in Willie M.,

et al. v. Hunt, et al., formerly Willie M., et al. v. Martin, et al., including evaluations of potential Class members. The Department shall reallocate these funds among services to Willie M. Class members during the year as it deems advisable in order to use the funds efficiently in providing appropriate services to Willie M. Class children.

(c) Funds for Department of Public Education. — Funds appropriated to the Department of Public Education in this act for members of the Willie M. Class are to establish a supplemental reserve fund to serve only members of the Class identified in Willie M., et al. v. Hunt, et al., formerly Willie M., et al. v. Martin, et al. These funds shall be allocated by the State Board of Education to the local education agencies to serve those Class members who were not included in the regular average daily membership and the census of children with special needs, and to provide the additional program costs which exceed the per pupil allocation from the State Public School Fund and other State and federal funds for children with special needs.

(d) The Department of Human Resources shall continue to implement its prospective unit cost reimbursement system and shall ensure that unit cost rates reflect reasonable costs by conducting cost center service type rate comparisons and cost center line item budget reviews as may be necessary, and based upon these reviews and comparisons, the Department shall reduce and/or cap rates to programs which are significantly higher than those rates paid to other programs for the same service.

Any exception to this requirement shall be approved by the Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, and shall be reported in the Department's annual joint report to the Governor and the General Assembly and in any periodic report the Department may make to the Joint Legislative Commission on Governmental Operations.

(d1) The Department of Human Resources shall implement a process to review those cases for whom treatment has been recommended whose annual cost is anticipated to be in excess of one hundred fifty percent (150%) of the average annual per client expenditure of the previous fiscal year and shall take actions to reduce these treatment costs where appropriate.

(e) Reporting Requirements. — The Department of Human Resources and the Department of Public Education shall submit, by May 1 of each fiscal year, a joint report to the Governor and the General Assembly on the progress achieved in serving members of the Willie M. Class. The report shall include the following unduplicated data for each county: (i) the number of children nominated for the Willie M. Class; (ii) the number of children actually identified as members of the Class in each county; (iii) the number of children served as members of the Class in each county; (iv) the number of children who remain unserved or for whom additional services are needed in order to be determined to be appropriately served; (v) the types and locations of treatment and education services provided to Class members; (vi) the cost of services, by type, to members of the Class and the maximum and minimum rates paid to providers for each service; (vii) the number of cases whose treatment costs were in excess of one hundred fifty percent (150%) of the average annual per client expenditure; (viii) information on the impact of treatment and education services on members of the Class; (ix) an explanation of, and justification for, any waiver of departmental rules that affect the Willie M. program; and (x) the total State funds expended, by program, on

Willie M. Class members, other than those funds specifically appropriated for the Willie M. programs and services.

(e1) From existing funds available to it, the Department of Human Resources shall begin a process to document and assess individual Class members' progress through the continuum of services. Standardized measures of functioning shall be administered periodically to each member of the Class, and the information generated from these measures shall be used to assess client progress and program effectiveness.

(f) The Departments of Human Resources and Public Education shall provide periodic reports of expenditures and program effectiveness on behalf of the Willie M. Class to the Fiscal Research Division. As part of these reports, the Departments shall explain measures they have taken to control and reduce program expenditures.

(g) In fulfilling the responsibilities vested in it by the Constitution of North Carolina, the General Assembly finds:

(1) That the General Assembly has evaluated the known needs of the State and has endeavored to satisfy those needs in comparison to their social and economic priorities; and

(2) That the funds appropriated will enable the development and implementation of placement and services for the Class members in Willie M., et al. v. Hunt, et al., formerly Willie M., et al. v. Martin, et al., within a reasonable period of time considered within the context of the needs of the Class members, the other needs of the State and the resources available to the State.

(h) The General Assembly supports the efforts of the responsible officials and agencies of the State to meet the requirements of the court order in Willie M., et al. v. Hunt, et al., formerly Willie M., et al. v. Martin, et al. To ensure that Willie M. Class members are appropriately served, no State funds shall be expended on placement and services for Willie M. Class members except:

(1) Funds specifically appropriated by the General Assembly for the placement and services of Willie M. Class members; and

(2) Funds for placement and services for which Willie M. Class members are otherwise eligible.

This limitation shall not preclude the use of unexpended Willie M. funds from prior fiscal years to cover current or future needs of the Willie M. program subject to approval by the Director of the Budget. These Willie M. expenditures shall not be subject to the requirements of G.S. 143–18.

(i) Notwithstanding any other provision of law, if the Department of Human Resources determines that a local program is not providing appropriate services to members of the Class identified in Willie M., et al. v. Hunt, et al., formerly Willie M., et al. v. Martin, et al., the Department may ensure the provision of these services through contracts with public or private agencies or by direct operation by the Department of such programs.

Requested by: Senators Martin of Guilford, Conder,
Representatives Gardner, Hayes, Nye, Russell

THOMAS S.

Sec. 23.21. (a) Funds appropriated to the Department of Human Resources in this act for the 1995–96 fiscal year and the 1996–97 fiscal year for members of the Thomas S. Class as identified in Thomas S., et al. v. Britt, formerly

Thomas S., et al. v. Flaherty, shall be expended only for programs serving Thomas S. Class members or for services for those clients who are:

(1) Adults with mental retardation, or who have been treated as if they had mental retardation, who were admitted to a State psychiatric hospital on or after March 22, 1984, and who are included on the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services' official list of prospective Class members;

(2) Adults with mental retardation who have a documented history of State psychiatric hospital admissions regardless of admission date and who, without funding support, have a good probability of being readmitted to a State psychiatric hospital;

(3) Adults with mental retardation who have never been admitted to a State psychiatric hospital but who have a documented history of behavior determined to be of danger to self or others that results in referrals for inpatient psychiatric treatment and who, without funding support, have a good probability of being admitted to a State psychiatric hospital; or

(4) Adults who are included on the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services' official list of prospective Class members and have yet to be confirmed as Class members, who currently reside in the community, and who have a good probability of being admitted to a facility licensed as a "home for the aged and disabled".

No more than five percent (5%) of the funds appropriated in this act for the Thomas S. program shall be used for clients meeting subdivisions (2), (3), or (4) of this subsection.

(b) To ensure that Thomas S. Class members are appropriately served, no State funds shall be expended on placement and services for Thomas S. Class members except:

(1) Funds specifically appropriated by the General Assembly for the placement and services of Thomas S. Class members; and

(2) Funds for placement and services for which Thomas S. Class members are otherwise eligible.

(c) The Department of Human Resources shall continue to implement a prospective unit cost reimbursement system and shall ensure that unit cost rates reflect reasonable costs by conducting cost center service type rate comparisons and cost center line item budget reviews as may be necessary.

(d) Reporting requirements. The Department of Human Resources shall submit by April 1 of each fiscal year a report to the General Assembly on the progress achieved in serving members and prospective members of the Thomas S. Class. The report shall include the following:

(1) The number of Thomas S. clients confirmed as Class members;

(2) The number of prospective Class members evaluated;

(3) The number of prospective Class members awaiting evaluation;

(4) The number of Class members or prospective Class members added in the preceding 12 months due to their admission to a State psychiatric hospital;

(5) A description of the types of treatment services provided to Class members; and

(6) An analysis of the use of funds appropriated for the Class.

(e) Notwithstanding any other provision of law, if the Department of Human Resources determines that a local program is not providing minimally adequate services to members of the Class identified in Thomas S., et al. v. Britt, formerly Thomas S., et al. v. Flaherty, or does not show a willingness to do so, the Department may ensure the provision of these services through contracts with public or private agencies or by direct operation by the Department of these programs.

Requested by: Senators Martin of Guilford, Conder,
Representatives Gardner, Hayes, Nye, Russell

MENTAL HEALTH COUNTY FUNDS REQUIREMENT

Sec. 23.21B. Notwithstanding any other provisions of law, the Department of Human Resources shall ensure that counties do not reduce county appropriations and expenditures for area mental health, developmental disabilities, and substance abuse authorities because of the availability of State–allocated funds, fees, or capitation amounts to the authorities.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

FOSTER CARE REPORTING

Sec. 23.22. Counties receiving funds for foster care shall report annually, beginning with the 1995–96 fiscal year, to the Division of Social Services, Department of Human Resources, the following:

(1) A narrative description of the use of State funds;
(2) Workload statistics and indicators for foster care as established by the Division of Social Services; and
(3) Development of a coordinated approach to providing children's services, with emphasis on meeting the total needs of the children and families being served.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

ADOPTION SUBSIDY

Sec. 23.23. The maximum rates for State participation in the adoption assistance program are established on a graduated scale as follows:

(1) $315.00 per child per month for children aged birth through 5;
(2) $365.00 per child per month for children aged 6 through 12; and
(3) $415.00 per child per month for children aged 13 through 18.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

FOSTER CARE

Sec. 23.24. The maximum rates for State participation in the foster care assistance program are established on a graduated scale as follows:

(1) $315.00 per child per month for children aged birth through 5;
(2) $365.00 per child per month for children aged 6 through 12; and
(3) $415.00 per child per month for children aged 13 through 18.

Of these amounts, fifteen dollars ($15.00) is a special needs allowance for the child.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

FOSTER CARE AND ADOPTION TRAINING

Sec. 23.25. The Division of Social Services, Department of Human Resources, shall continue the in–house training component that provides a mandated minimum of 30 hours of preservice training for foster care parents and 84 hours for foster care workers and adoption care workers and a mandated minimum of 10 hours of continuing education for all foster care parents and 18 hours for foster care workers and adoption care workers.

This section remains in effect until modified or repealed by the General Assembly.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

CHILD PROTECTIVE SERVICES

Sec. 23.26. (a) The funds appropriated in this act to the Department of Human Resources, Division of Social Services, for the 1995–96 fiscal year for Child Protective Services shall be allocated to county departments of social services based upon a formula which takes into consideration the number of Child Protective Services cases in that county and the number of Child Protective Services workers necessary to meet recommended standards adopted by the North Carolina Association of County Directors of Social Services.

(b) Funds allocated under subsection (a) of this section shall be used by county departments for carrying out investigations of reports of child abuse or neglect or for providing protective or preventive services in which the department confirms abuse, neglect, or dependency.

(c) The Division of Social Services, Department of Human Resources, shall establish criteria and guidelines to ensure that the allocations to county departments of social services are used in accordance with this section and that available Federal Emergency Assistance funds for Child Protective Services are maximized.

(d) As long as federal Emergency Assistance funds are available, counties shall use these federal funds, State Child Protective Services appropriations, and county funds to provide Child Protective Services.

Requested by: Senators Martin of Guilford, Conder,
Representatives Gardner, Hayes, Nye, Russell

LIMITATION ON STATE ABORTION FUND

Sec. 23.27. (a) No State funds, whether from tax revenues, gifts, bequests, grants, or any other source, in excess of fifty thousand dollars ($50,000) each fiscal year of the biennium shall be expended for the State Abortion Fund's funding of the performance of abortions.

(b) Eligibility for services of the State Abortion Fund shall be limited to women whose income is below the federal poverty level, as revised annually, or who are eligible for Medicaid. The State Abortion Fund shall be used to fund abortions only to terminate pregnancies resulting from cases of rape or incest, or to terminate pregnancies that, in the written opinion of one doctor licensed to practice medicine in North Carolina, endanger the life of the mother.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

HIV FOSTER CARE AND ADOPTIONS BOARD PAYMENT

Sec. 23.28. The maximum rates for State participation in HIV Foster Care and Adoptions Board Payments are established on a graduated scale as follows:

(1) $800.00 per month per child with indeterminate HIV status;
(2) $1,000 per month per child confirmed HIV–infected, asymptomatic;
(3) $1,200 per month per child confirmed HIV–infected, symptomatic; and
(4) $1,600 per month per child terminally ill with complex care needs.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

FOOD STAMP OUTREACH

Sec. 23.29. The Department of Human Resources shall continue a Food Stamp Outreach Program. Under the Program, the Department shall inform public and private agencies, community groups, potentially eligible persons, and the general public regarding the eligibility requirements of the Food Stamp Program. The Department shall maintain a referral list of public and private agencies, community groups, and interested persons and organizations who serve low–income persons. The Department shall inform these agencies and persons regarding the Food Stamp Program and changes in the law that affect client eligibility or the extent of benefits. The Department shall develop and distribute informational materials, such as public service announcements, brochures, pamphlets, posters, and correspondence.

Requested by: Senators Martin of Guilford, Conder,
Representatives Gardner, Hayes, Nye, Russell

AFDC PROGRAMS AND SERVICES FOR WOMEN IN THE THIRD TRIMESTER OF PREGNANCY

Sec. 23.29A. Women in their third trimester of pregnancy with their first child who otherwise meet all the eligibility criteria for Aid to Families with Dependent Children (AFDC) are eligible for all programs and services available to AFDC recipients other than AFDC cash assistance.

Requested by: Senators Martin of Guilford, Conder,
Representatives Gardner, Hayes, Nye, Russell

EMERGENCY ASSISTANCE

Sec. 23.29C. The Division of Social Services, Department of Human Resources, shall not expend more State funds than are appropriated for the cash assistance component of the Emergency Assistance Program for the 1995–97 fiscal biennium. Within this limit, Emergency Assistance cash benefits shall not exceed three hundred dollars ($300.00) per year per family, payable over a 30–day period. After this 30–day period, Emergency Assistance cash benefits are not available to that family until 12 months have elapsed from the initial authorization date. The family may have no more than a total of three hundred dollars ($300.00) in liquid assets in order to quality for the cash assistance component of the Emergency Assistance Program pursuant to this section.

It is the intent of the General Assembly that cash benefits under the Emergency Assistance Program shall only be used to provide assistance to persons to

alleviate an emergency. In evaluating whether an emergency exists, the agency receiving the application shall apply prudent judgment to evaluate each emergency on its own merits. Prudent judgment will permit the agency to consider whether the client created the emergency and whether the assistance will resolve the emergency.

Requested by: Senators Martin of Guilford, Conder,
Representatives Gardner, Hayes, Nye, Russell

FAMILY SUPPORT ACT

Sec. 23.29D. (a) The General Assembly finds that it is in the best interest of the State and of all its citizens to encourage recipients of Aid to Families with Dependent Children (AFDC) to obtain jobs and become self–sufficient. It further finds that, by continuing medical assistance and providing limited wage assistance to those recipients who are working, the State will make it possible to help many recipients to be able to keep their jobs, support their families, and become self–sufficient.

Therefore, the General Assembly adopts a payment method that will result in more recipients being able to find work and keep working.

(b) AFDC payments shall be determined by subtracting countable income from the State standard of need, and paying a percentage of the difference. The percentage that shall be applied to determine the amount of assistance shall be the same percentage set in this act that determines the AFDC payment level from the standard of need.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

SENIOR CENTER OUTREACH

Sec. 23.30. (a) Funds appropriated to the Department of Human Resources, Division of Aging, for the 1995–97 fiscal biennium, shall be used by the Division of Aging to enhance senior center programs as follows:

(1) To test "satellite" services provided by existing senior centers to unserved or underserved areas; or

(2) To provide start–up funds for new senior centers.

All of these funds shall be allocated by October 1 of each fiscal year.

(b) Prior to funds being allocated pursuant to this section for start–up funds for a new senior center, the county commissioners of the county in which the new center will be located shall:

(1) Formally endorse the need for such a center;

(2) Formally agree on the sponsoring agency for the center; and

(3) Make a formal commitment to use local funds to support the ongoing operation of the center.

(c) State funding shall not exceed ninety percent (90%) of reimbursable costs.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

CAREGIVER SUPPORT SHARING

Sec. 23.31. (a) Of the funds appropriated to the Division of Aging, Department of Human Resources, for the 1995–97 fiscal biennium, the sum of one million eight thousand dollars ($1,008,000) for the 1995–96 fiscal year and the sum

of one million eight thousand dollars ($1,008,000) for the 1996–97 fiscal year shall be used for services that support family caregivers of elderly persons with functional disabilities, whether physical or mental, who want to stay in their homes rather than be institutionalized but who need assistance with the activities of daily living in order to remain at home. The services that may be purchased from funds received under this section include:

(1) Respite Care;
(2) Adult Day Care;
(3) Stipends and other related costs for senior companions, modeled after the federal Senior Companion Program; and
(4) Other related services that meet needs not now adequately addressed by the services described in subdivisions (1) through (3) of this subsection.

(b) The Division of Aging shall expend funds for these services according to the population of persons 70 years of age or older in each region. The Division of Aging shall use a minimum of ninety-five percent (95%) of the funds it receives under this section for the services described in subdivisions (1) through (4) of subsection (a) of this section and may only use a maximum of five percent (5%) for technical assistance as described in subsection (c) of this section. The Division of Aging shall choose providers in accordance with procedures under the Older Americans Act. Funds allocated by the Division pursuant to this section shall be allocated by October 1 of each fiscal year.

(c) The Division of Aging may contract for technical assistance. The technical assistance shall include training assistance, coordination of various service delivery and funding sources, and ideas for innovative ways to build a lasting system of services for family caregivers.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

REIMBURSEMENT AND COMPENSATION OF MEMBERS OF THE NORTH CAROLINA VOCATIONAL REHABILITATION ADVISORY COUNCIL, THE STATEWIDE INDEPENDENT LIVING COUNCIL, AND THE COMMISSION FOR THE BLIND

Sec. 23.32. Notwithstanding G.S. 138–5(a)(1), those members of the North Carolina Vocational Rehabilitation Advisory Council, the Statewide Independent Living Council, and the Commission for the Blind, who are unemployed or who must forfeit wages from other employment to attend council or commission meetings or to perform related duties, may receive compensation not to exceed fifty dollars ($50.00) a day for attending these meetings or for performing related duties, as authorized in Sections 105 and 705 of P.L. 102–569, the Rehabilitation Act of 1973, 42 U.S.C. § 701 et seq., as amended. This compensation is instead of the compensation specified in G.S. 138–5(a)(1). Reimbursement for subsistence and travel expenses is as specified in G.S. 138–5.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

DHR STUDY OF DIVISION OF YOUTH SERVICES' PROGRAMS AND SERVICES EXTENDED

Sec. 23.34. Section 25.26 of Chapter 769 of the 1993 Session Laws, Regular Session 1994, which amended subsection (d) of Section 36 of Chapter 24 of the

Session Laws of the 1994 Extra Session reads as rewritten:

"Sec. 25.26. Subsection (d) of Section 36 of Chapter 24 of the 1994 Extra Session reads as rewritten:

'(d) The Department shall complete this study by ~~March 1, 1995,~~ October 1, 1995, and shall report the results of this study to the 1995 General Assembly by ~~April 1, 1995.~~ November 1, 1995.'"

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

COMMUNITY-BASED ALTERNATIVES PARTICIPATION

Sec. 23.35. County governments participating in the Community-Based Alternatives Program shall certify annually to the Division of Youth Services, Department of Human Resources, that Community-Based Alternatives Aid to Counties shall not be used to duplicate or supplant other programs within the county.

PART 24. DEPARTMENT OF AGRICULTURE

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

AUTHORIZE THE AGRICULTURAL FINANCE AUTHORITY TO USE THE INTEREST FROM THE RESERVE FOR FARM LOANS FOR ADMINISTRATIVE EXPENSES

Sec. 24. Funds in the Reserve for Farm Loans shall be used for the purposes set out in Chapter 122D of the General Statutes, but shall not be used for the administration of that Chapter. Interest on funds in the Reserve for Farm Loans and interest from agricultural loans, as defined in G.S. 122D-3, may be used for any of the purposes set out in Chapter 122D of the General Statutes and for the administration of that Chapter.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

STUDY REGARDING THE STATE FARMERS MARKETS COSTS

Sec. 24.1. The Department of Agriculture shall evaluate and recommend options for each of the State's Farmers Markets to reach a goal of becoming self-supporting within four years. No later than April 1, 1996, the Department shall report its findings and recommendations to the Joint Legislative Commission on Governmental Operations.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

FEASIBILITY STUDY REGARDING FEES AT THE MARITIME MUSEUM

Sec. 24.2. The Department of Agriculture shall study the feasibility of charging admission fees at the North Carolina Maritime Museum. This study shall evaluate different options for admission fees and shall include a proposed implementation plan, anticipated revenues, anticipated costs of developing and implementing admission fees, and anticipated personnel that would be required for each admission fee option. No later than April 1, 1996, the Department shall report its findings and recommendations to the Joint Legislative Commission on Governmental Operations.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

TIMBER SALES FUNDS FOR MAINTENANCE OF STATE FARMS FORESTLANDS

Sec. 24.3. From funds received from the sale of timber that are deposited with the State Treasurer pursuant to G.S. 146–30 to the credit of the Department of Agriculture in a capital improvement account, the sum of twenty thousand dollars ($20,000) is transferred to the Reserve for Forest Management for expenditure during the 1995–96 fiscal year and the sum of twenty thousand dollars ($20,000) is transferred to the Reserve for Forest Management for expenditure during the 1996–97 fiscal year. The Department may increase its expenditures of timber receipts by twenty thousand dollars ($20,000) each year, provided that the maximum expenditure in each fiscal year shall not exceed fifty thousand dollars ($50,000). These funds are in addition to any other funds already in that Reserve.

PART 25. DEPARTMENT OF COMMERCE

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

INDUSTRIAL DEVELOPMENT FUND/LOCAL MATCH

Sec. 25. Local governments requesting financial assistance from the Industrial Development Fund that wish to request to be exempted from the local matching requirements placed on the receipt of this assistance shall demonstrate to the satisfaction of the Department of Commerce that it would be an economic hardship for the local government to match State assistance from the Fund with local funds. The Department shall develop guidelines for determining hardship.

Requested by: Senators Martin of Pitt, Edwards,
Representatives Mitchell, Weatherly, Crawford

REGIONAL COMMISSION REPORTS

Sec. 25.3. The regional economic development commissions receiving grants–in–aid from the Department of Commerce shall report on their programs to the Joint Legislative Commission on Governmental Operations on or before March 1 and October 1 of each fiscal year, and more frequently as requested by the Commission. The reports shall include information on the activities and accomplishments during the past fiscal year, itemized expenditures during the past fiscal year with sources of funding, planned activities and accomplishments for at least the next 12 months, and itemized anticipated expenditures with sources of funding for the next 12 months.

Requested by: Senators Martin of Pitt, Edwards,
Representatives Mitchell, Weatherly, Crawford

REGIONAL ECONOMIC DEVELOPMENT COMMISSION ALLOCATIONS

Sec. 25.4. (a) Funds appropriated in this act to the Department of Commerce for regional economic development commissions shall be allocated to the following commissions in accordance with subsection (b) of this section: Western North Carolina Regional Economic Development Commission, Research Triangle Regional Commission, Southeastern North Carolina Regional Economic Development Commission, Piedmont Triad Partnership, Northeastern North Carolina Regional Economic Development Commission, Global TransPark Development Commission, and Carolinas Partnership, Inc.

(b) Funds appropriated pursuant to subsection (a) of this section shall be allocated to each regional economic development commission as follows:

(1) First, the Department shall establish each commission's allocation by determining the sum of allocations to each county that is a member of that commission. Each county's allocation shall be determined by dividing the county's distress factor by the sum of the distress factors for eligible counties and multiplying the resulting percentage by the amount of the appropriation. As used in this subdivision, the term "distress factor" means a county's distress factor as calculated under G.S. 105–130.40(c);

(2) Next, the Department shall subtract from funds allocated to the Global TransPark Development Zone the sum of three hundred fifteen thousand dollars ($315,000) in each fiscal year, which sum represents the interest earnings of the Global TransPark Development Zone in each fiscal year; and

(3) Next, the Department shall redistribute the sum of three hundred fifteen thousand dollars ($315,000) in each fiscal year to the seven regional economic development commissions named in subsection (a) of this section. Each commission's share of this redistribution shall be determined according to the distress factor formula set out in subdivision (1) of this subsection. This redistribution shall be in addition to each commission's allocation determined under subdivision (1) of this subsection.

Requested by: Representatives Mitchell, Weatherly, Senator Martin of Pitt

TOURISM PROMOTION FUNDS

Sec. 25.5. Funds appropriated in this act to the Department of Commerce for tourism promotion grants shall be allocated according to *per capita* income, unemployment, and population growth in an effort to direct funds to counties most in need in terms of lowest per capita income, highest unemployment, and slowest population growth, in the following manner:

(1) Counties 1 through 20 are each eligible to receive a maximum grant of $7,500 for each fiscal year, provided these funds are matched on the basis of one non–State dollar for every four State dollars.

(2) Counties 21 through 50 are each eligible to receive a maximum grant of $3,500 for two of the next three fiscal years, provided these funds are matched on the basis of one non–State dollar for every three State dollars.

(3) Counties 51 through 100 are each eligible to receive a maximum grant of $3,500 for alternating fiscal years, beginning with the 1991–92 fiscal year, provided these funds are matched on the basis of four non–State dollars for every State dollar.

Requested by: Representatives Mitchell, Weatherly, Senator Martin of Pitt

BIOTECHNOLOGY CENTER

Sec. 25.7. (a) The North Carolina Biotechnology Center shall recapture funds spent in support of successful research efforts in the nonacademic private sector.

(b) The North Carolina Biotechnology Center shall provide funding for biotechnology and related bioscience applications under its Economic and Corporate Development Program.

(c) The North Carolina Biotechnology Center shall report on all of the Center's programs to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on or before March 1 of each fiscal year, and more frequently as requested by the Commission. The initial report shall include information on the activities and accomplishments during the past fiscal year, itemized expenditures during the past fiscal year with sources of funding, planned activities and accomplishments for at least the next 12 months, and itemized anticipated expenditures with sources of funding for the next 12 months. Subsequent reports shall include updates of the initial report.

(d) The North Carolina Biotechnology Center shall provide a report containing detailed budget, personnel, and salary information to the Office of State Budget and Management and to the Fiscal Research Division in the same manner as State departments and agencies in preparation for biennium budget requests.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

BIOTECHNOLOGY FUNDS FOR MINORITY UNIVERSITIES

Sec. 25.8. Of the funds appropriated in this act from the General Fund to the North Carolina Biotechnology Center for the 1995–96 and the 1996–97 fiscal years, the sum of one million dollars ($1,000,000) in each fiscal year shall be used to continue the special biotechnology program initiative for North Carolina's Public Historically Black Universities and Pembroke State University. This program initiative is a means to get more funds to these institutions of higher education in the short run to help them develop their biotechnology programs and a means to develop a mechanism to improve these institutions' capacity over the long term. The Center's special initiative shall, at a minimum, provide for:

(1) A range of program activities, including grants, designed to enhance the existing strengths and capabilities of Pembroke State University, and the Public Historically Black Universities;

(2) A Facilities and Infrastructure Review Committee to advise the Center on major program elements and priority projects that would be most helpful to these institutions; and

(3) A Program Advisory Panel with representation from these institutions to advise and make recommendations to the Center's President and Board of Directors on funding proposals under this initiative.

The Center shall report on its biotechnology program grants to universities to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on or before March 1 of each fiscal year, and more frequently as requested by the Commission. These reports shall include the current number of enrollments and the capacity of enrollments in the biotechnology program in each of the universities, the number of faculty in the biotechnology program in each of the universities, whether and to what extent the enrollments, capacity, and number of faculty have changed in the last three academic years in the biotechnology program in each of the universities, how the funds allocated by this section are being used in each of the universities, and any other information that indicates whether these grants are accomplishing their purpose.

Requested by: Senators Martin of Pitt, Edwards,
Representatives Mitchell, Crawford, Weatherly

MCNC

Sec. 25.9. (a) MCNC shall report on all of its programs to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on or before March 1 of each fiscal year, and more frequently as requested by the Commission. The reports shall include information on the activities and accomplishments during the past fiscal year, itemized expenditures during the past fiscal year with sources of funding, planned activities, and accomplishments for at least the next 12 months, and itemized anticipated expenditures with sources of funding for the next 12 months. The report on the activities of the Supercomputer program shall identify the users of the Supercomputer, the major projects conducted by the users, and the potential benefits of the projects.

(b) MCNC shall provide a report containing detailed budget information to the Office of State Budget and Management in the same manner as State departments and agencies in preparation for biennium budget requests. Specific salary information will be provided upon written request by the Chairs of the Joint Legislative Commission on Governmental Operations or the Chairs of the House Appropriations Subcommittee on Natural and Economic Resources and the Chairs of the Senate Appropriations Committee on Natural and Economic Resources.

(c) The funds appropriated in this act to MCNC shall be used as follows:

	FY 1995–96	FY 1996–97
Microelectronics Program	$5,362,523	$5,362,523
Supercomputer	9,576,319	9,576,319
Telecommunications	4,826,158	4,826,158

(d) Of the funds appropriated to MCNC for the Microelectronics Program, five million three hundred sixty–two thousand five hundred twenty–three dollars ($5,362,523) in each fiscal year is contingent upon a dollar–for–dollar match in non–State funds.

(e) If MCNC finds it necessary to make changes in the program allocations specified in subsection (c) of this section, MCNC shall report such changes to the Joint Legislative Commission on Governmental Operations 30 days before the reallocation.

(f) Funds appropriated in this act to MCNC for Migration of Current Network to the North Carolina Information Highway System (NCIHS) shall be used as follows:

(1) To cover the costs of connecting and operating the North Carolina Research and Education Network through the North Carolina Information Highway so that universities and research centers will continue to have the capability currently available through the North Carolina Research and Education Network,
(2) For program support, and
(3) For MCNC to serve as gateway to the North Carolina Information Highway for the 18 sites.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

MCNC PLAN FOR SELF–SUPPORT

Sec. 25.10. MCNC shall develop a plan for carrying out its statutory, contractual, and other duties, responsibilities, and purposes without financial

support from the State through General Fund or other appropriations. The plan shall provide for MCNC to be totally self-supporting by July 1, 1999. MCNC shall submit the plan to the Joint Legislative Commission on Governmental Operations not later than April 1, 1996. The plan shall indicate, at a minimum, the following:

(1) Financial support received from State appropriations for each of the last six years;

(2) Activities and purposes for which State appropriated funds were used over the last six years;

(3) Funds that will be needed to continue operations over each of the fiscal years commencing July 1, 1995; and

(4) Public and private sources and amounts of anticipated revenue for each fiscal year commencing July 1, 1995 through June 30, 2001.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

RURAL ECONOMIC DEVELOPMENT CENTER

Sec. 25.11. (a) Of the funds appropriated in this act to the Rural Economic Development Center the sum of one million two hundred seventy thousand dollars ($1,270,000) for the 1995-96 fiscal year and the sum of one million two hundred seventy thousand dollars ($1,270,000) for the 1996-97 fiscal year shall be allocated as follows:

	95-96 FY	96-97 FY
Research & Demonstration Grants	$475,864	$475,864
Technical Assistance and Center Administration of Research and Demonstration Grants	444,136	444,136
Center Administration, Oversight, and Other Programs	350,000	350,000

(b) The Rural Economic Development Center, Inc., shall report on the Center's programs to the Joint Legislative Commission on Governmental Operations on or before March 1 of each fiscal year, and more frequently as requested by the Commission. The report shall include information on the activities and accomplishments during the fiscal year, itemized expenditures during the fiscal year with sources of funding, planned activities and accomplishments for at least the next 12 months, and itemized anticipated expenditures with sources of funding for the next fiscal year.

(c) The Rural Economic Development Center, Inc., shall provide a report containing detailed budget, personnel, and salary information to the Office of State Budget and Management in the same manner as State departments and agencies in preparation for biennium budget requests.

(d) Not more than fifty percent (50%) of the interest earned on State funds appropriated to the Rural Economic Development Center, Inc., may be used by the Rural Economic Development Center, Inc., for administrative purposes, including salaries and fringe benefits.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

OPPORTUNITIES INDUSTRIALIZATION CENTER FUNDS

Sec. 25.12. Of the funds appropriated in this act to the Rural Economic Development Center, Inc., the sum of one hundred thousand dollars ($100,000) for

the 1995–96 fiscal year and the sum of one hundred thousand dollars ($100,000) for the 1996–97 fiscal year shall be allocated as follows:

(1) $25,000 in each fiscal year to the Opportunities Industrialization Center of Wilson, Inc., for its ongoing job training programs;

(2) $25,000 in each fiscal year to Opportunities Industrialization Center, Inc., in Rocky Mount, for its ongoing job training programs;

(3) $25,000 in each fiscal year to Pitt–Greenville Opportunities Industrialization Center, Inc. for its ongoing job training programs; and

(4) $25,000 in each fiscal year to the Opportunities Industrialization Center of Lenoir, Green, and Jones Counties.

The Rural Economic Development Center, Inc., shall report on the use of these funds to the Joint Legislative Commission on Governmental Operations on or before March 1 of each fiscal year, and more frequently as requested by the Commission.

Requested by: Representatives Weatherly, Mitchell, Crawford, Senators Martin of Pitt, Edwards

COMMUNITY DEVELOPMENT INITIATIVE

Sec. 25.13. Of the funds appropriated in this act to the Rural Economic Development Center, Inc., the sum of one million eight hundred thousand dollars ($1,800,000) for fiscal year 1995–96 and the sum of one million eight hundred thousand dollars ($1,800,000) for fiscal year 1996–97 shall be used to support the grant and loan fund and operations of the North Carolina Community Development Initiative, Inc. The Initiative shall provide operating and project activity grants to mature community development corporations that have demonstrated project and organizational capacity.

The North Carolina Community Development Initiative, Inc., shall report to the Joint Legislative Commission on Governmental Operations on the use of these funds on or before March 1 of each fiscal year, and more frequently as requested by the Commission.

PART 26. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Requested by: Representatives Baker, Nichols, Senator Martin of Pitt

EHNR STUDY STATE–FUNDED ENVIRONMENTAL EDUCATION

Sec. 26. The Department of Environment, Health, and Natural Resources shall prepare a report identifying all State–funded environmental education programs, activities, and initiatives statewide, including efforts by all State entities as well as efforts by other entities funded by grants–in–aid. In addition, the Department shall include in its report a plan for consolidating some or all of these programs, activities, and initiatives. The Department shall submit this report on or before January 15, 1996, to the Joint Legislative Commission on Governmental Operations.

Requested by: Representatives Mitchell, Weatherly, Senator Martin of Pitt

FUNDS FOR VOLUNTARY REMEDIAL ACTIONS

Sec. 26.1. (a) During the 1995–97 fiscal biennium, the Secretary of Environment, Health, and Natural Resources may contribute from the Inactive

Hazardous Sites Cleanup Fund up to ten percent (10%) of the cost each fiscal year, not to exceed fifty thousand dollars ($50,000) per site, of implementing a voluntary remedial action program at up to three high-priority sites that substantially endanger public health or the environment.

(b) No later than April 1 of each year of the 1995-97 fiscal biennium, the Department of Environment, Health, and Natural Resources shall report to the General Assembly. Each report shall contain the location of the sites for which a voluntary remedial action program was implemented under subsection (a) of this section, the rationale for the State contributing to the cost of that remedial action, and the amount of the contribution made from the Inactive Hazardous Sites Cleanup Fund.

Requested by: Senators Martin of Pitt, Edwards,
Representatives Mitchell, Weatherly, Crawford

WASTE REDUCTION ASSISTANCE TO SMALL BUSINESSES WITH NEED

Sec. 26.2A. The Office of Waste Reduction shall, to the extent feasible, give greatest priority to small businesses that can demonstrate financial need when the Office of Waste Reduction awards grants or otherwise provides technical or financial assistance.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

PARTNERSHIP FOR THE SOUNDS, INC.

Sec. 26.3. Partnership for the Sounds, Inc., shall report on all of its programs to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on March 1 of each fiscal year, and more frequently as requested by the Commission. The reports shall include information on the activities and the accomplishments during the past fiscal year, itemized expenditures during the past fiscal year with sources of funding, planned activities, and accomplishments for at least the next 12 months, and itemized anticipated expenditures with sources of funding for the next 12 months.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

COMMUNICABLE DISEASE CONTROL AID TO COUNTIES FLEXIBILITY

Sec. 26.4. (a) For the 1995-96 and 1996-97 fiscal years, the Department of Environment, Health, and Natural Resources may combine and allocate funds appropriated for Aid to Counties in the Acute Communicable Disease Control Fund, the Tuberculosis Control Fund, and the Sexually Transmitted Disease Control Fund into one Acute Communicable Disease Control Aid to Counties Grant. Communicable Disease Aid to Counties funding to local health departments and other authorized recipients will be based on a general communicable disease formula to be developed by the Department of Environment, Health, and Natural Resources.

(b) The Department of Environment, Health, and Natural Resources, in conjunction with local health departments, will maintain a system to monitor and identify Aid to Counties communicable disease expenditures by each communicable disease group. The Department shall report to the Joint Legislative Commission on Governmental Operations not later than October 1, 1995, and annually thereafter, on Aid to Counties expenditures by county for each communicable disease group and the purpose of the expenditures for the fiscal year. The report shall

also include an evaluation of the effectiveness of combining Aid to Counties funding into one grant fund and the effectiveness of the formula used to allocate funds.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

DWI TEST CHANGES

Sec. 26.5. (a) Section 272 of Chapter 321 of the 1993 Session Laws is repealed.

(b) Amounts collected under G.S. 20–16.5(j) for fiscal years 1993–94 and 1994–95 and designated for the alcohol testing program of the Injury Control Section of the Department of Environment, Health, and Natural Resources shall not revert to the General Fund unless the amounts exceed the amounts appropriated by the General Assembly for the 1993–94 and 1994–95 fiscal years.

Beginning with the 1995–96 fiscal year, any funds collected under G.S. 20–16.5(j) that are designated for the alcohol testing program of the Injury Control Section of the Department of Environment, Health, and Natural Resources and are not needed for that program shall be transferred annually to the Governor's Highway Safety Program for grants to local law enforcement agencies for training and enforcement of the laws on driving while impaired. The Governor's Highway Safety Program shall expend funds transferred to it under this section within 13 months of receipt of the funds. Amounts received by the Governor's Highway Safety Program shall not revert until the June 30 following the 13–month period.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

IMMUNIZATION PROGRAM FUNDING

Sec. 26.6. (a) Of the funds appropriated to the Department of Environment, Health, and Natural Resources for the 1995–97 fiscal biennium for childhood immunization programs for positions, operating support, equipment, and pharmaceuticals, the sum of up to one million dollars ($1,000,000) each fiscal year may be used for projects and activities that are also designed to increase childhood immunization rates in North Carolina. These projects and activities shall include the following:

(1) Outreach efforts at the State and local levels to improve service delivery of vaccines. Outreach efforts may include educational seminars, media advertising, support services to parents to enable children to be transported to clinics, longer operating hours for clinics, and mobile vaccine units; and

(2) Continued development of an automated immunization registry.

(b) Funds authorized to be used for immunization efforts under subsection (a) of this section shall not be used to fund additional State positions in the Department of Environment, Health, and Natural Resources.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

PUBLIC HEALTH NUTRITION INTERN PROGRAM

Sec. 26.7. Of the funds appropriated to the Department of Environment, Health, and Natural Resources for the Special Supplemental Food Program for Women, Infants, and Children (WIC), the sum of up to one hundred seventy

thousand dollars ($170,000) for the 1995–96 fiscal year and the sum of up to one hundred seventy thousand dollars ($170,000) for the 1996–97 fiscal year may be used for the purpose of establishing and maintaining a Public Health Nutritionist Internship Program.

Requested by: Senators Martin of Pitt, Edwards,
Representatives Mitchell, Weatherly, Crawford

MOSQUITO CONTROL FUNDS/USAGE

Sec. 26.7A. G.S. 130A–347 reads as rewritten:

"**§ 130A–347. Mosquito control funds.**

Funds received by the Department for mosquito control may be used to aid mosquito control districts and other units of local government engaged in mosquito control. The Commission shall adopt rules concerning the allocation of the funds. The rules shall provide for priority funding to those local activities that involve the abatement of breeding grounds. The rules may include provisions to withhold part of the mosquito control funds for the suppression of potential or documented mosquito–borne disease outbreaks. State aid for local physical control methods such as, but not limited to, cleaning, reopening or construction of ditches, restoration of streams and construction of impoundments shall not exceed the amount of funds and the value of services and facilities provided locally except State aid may be provided up to twice the locally provided amount for physical control methods in salt marsh areas. State aid for local chemical and biological control methods such as, but not limited to, control of immature and adult mosquitoes by use of chemicals, bacteria, fungi and mosquito fish shall not exceed the amount of funds and the value of services and facilities provided locally. State aid shall not be granted with respect to each individual project until the Department finds and certifies in writing for each project that: (i) the required local share is available; (ii) there is a documented mosquito problem which requires abatement; (iii) a work plan describing the method and procedures to be used for abatement is appropriate; and (iv) the rules of the Commission have been met."

Requested by: Senators Martin of Pitt, Edwards,
Representatives Mitchell, Weatherly, Crawford

ADOLESCENT PREGNANCY PREVENTION COALITION OF N.C./REPORTING

Sec. 26.7B. The Adolescent Pregnancy Prevention Coalition of N.C. shall report on all of its programs to the Joint Legislative Commission on Governmental Operations on or before March 1 of each fiscal year and more frequently as requested by the Commission. The reports shall include information on the Coalition's activities and accomplishments during the past fiscal year, a list of the groups, organizations, communities, and other recipients of assistance from the Coalition in the last 12 months, itemized expenditures during the past fiscal year with sources of funding, planned activities, and accomplishments for at least the next 12 months, and itemized anticipated expenditures with sources of funding for the next 12 months.

Requested by: Representatives Mitchell, Weatherly, Crawford,
Senators Martin of Pitt, Edwards

AQUARIUM STUDY

Sec. 26.8. The Department of Environment, Health, and Natural Resources may study whether the State needs three aquariums and may make

recommendations to the Joint Legislative Commission on Governmental Operations on or before April 1, 1996, on the beneficialness and feasibility of the consolidation of the aquariums at Fort Fisher, Pine Knoll Shores, and Roanoke Island.

Requested by: Senators Martin of Pitt, Edwards,
Representatives Mitchell, Weatherly, Crawford

ADDITIONAL USE OF AQUARIUM FEES

Sec. 26.8A. Notwithstanding the provisions of G.S. 143B–344.17, the Department of Environment, Health, and Natural Resources may use funds in the North Carolina Special Aquariums Fund for one full–time position at each aquarium site to collect admission fees and to maintain records of visitors at the sites and, during high visitation periods, for seasonal temporary positions at each site for additional maintenance, housekeeping, and educational services and to collect admission fees.

Requested by: Senators Martin of Pitt, Edwards,
Representatives Mitchell, Weatherly, Crawford

BLUE RIBBON ADVISORY COUNCIL ON OYSTERS

Sec. 26.8C. (a) Subsection (f) of Section 27.16 of Chapter 769 of the 1993 Session Laws reads as rewritten:

"(f) The Advisory Council shall make written quarterly reports to the Marine Fisheries Commission and the Joint Legislative Commission on Seafood and Aquaculture beginning October 1, 1994. The Advisory Council shall complete its study and make its final written report on or before ~~October 1, 1995.~~ June 30, 1997. Upon making its final written report, the Advisory Council shall terminate."

(b) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, the sum of one hundred thousand dollars ($100,000) for the 1995–96 fiscal year and the sum of one hundred thousand dollars ($100,000) for the 1996–97 fiscal year shall be used for administrative and other expenses incurred by the Blue Ribbon Advisory Council on Oysters.

Requested by: Senators Martin of Pitt, Edwards,
Representatives Mitchell, Weatherly, Crawford

**OCCONEECHEE MOUNTAIN, BIRD ISLAND,
HAMMOCKS BEACH STATE PARK LAND ACQUISITION FUNDS**

Sec. 26.8D. Notwithstanding G.S. 143–16.3, the Divisions of Parks and Recreation and of Coastal Management of the Department of Environment, Health, and Natural Resources may apply to the Natural Heritage Trust Fund and to other State and federal agencies for funds to acquire Occoneechee Mountain, Bird Island, and additional land at Hammocks Beach State Park.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

GRASSROOTS SCIENCE PROGRAM

Sec. 26.10. Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the Grassroots Science Program, the sum of five hundred thousand dollars ($500,000) for fiscal year 1995–96 and the sum of five hundred thousand dollars ($500,000) for fiscal year 1996–97 are allocated as grants–in–aid for each fiscal year as follows:

Catawba Science Center	$50,000
Discovery Place	$50,000
Imagination Station	$50,000
North Carolina Museum of Life and Science	$50,000
Rocky Mount Children's Museum	$50,000
Schiele Museum of Natural History	$50,000
Sci Works Science Center and Environmental Park of Forsyth County	$50,000
Natural Science Center of Greensboro	$50,000
Western North Carolina Nature Center	$15,000
The Health Adventure Museum of Pack Place Education, Arts and Science Center, Inc.	$35,000
Cape Fear Museum	$50,000

Requested by: Representatives Mitchell, Weatherly, Crawford, Senators Martin of Pitt, Edwards

SPECIAL ZOO FUND

Sec. 26.11. G.S. 143B-336.1 reads as rewritten:

"§ **143B-336.1. Special Zoo Fund.**

A special continuing and nonreverting fund, to be called the Special Zoo Fund, is created. The North Carolina Zoological Park shall retain unbudgeted receipts at the end of each fiscal year, beginning June 30, 1989, and deposit these receipts into this Fund. This Fund shall be used for maintenance, repairs, and renovations of exhibits in existing habitat clusters and visitor services facilities, construction of visitor services facilities and support facilities such as greenhouses and temporary animal holding areas, and for the replacement of tram equipment as required to maintain adequate service to the public. The Special Zoo Fund may also be used to match private funds which are raised for these purposes. Funds may be expended for these purposes by the Department of Environment, Health, and Natural Resources on the advice of the North Carolina Zoological Park Council and with the approval of the Office of State Budget and Management. The Department of Environment, Health, and Natural Resources shall provide an annual report to the Office of State Budget and Management and to the Fiscal Research Division of the Legislative Services Office on the use of fees collected pursuant to this section."

Requested by: Senators Martin of Pitt, Edwards, Representatives Mitchell, Weatherly, Crawford

RECLASSIFICATION OF EHNR REGIONAL OFFICE MANAGERS

Sec. 26.12. The Department of Environment, Health, and Natural Resources shall reclassify its four regional office management positions as intergovernmental liaison positions. One position shall be located in Mooresville, one shall be located in Washington, one shall be located in Fayetteville, and one shall be located in Asheville. Each person assigned to fill a position must reside in the area in which the position is located.

PART 27. DEPARTMENT OF LABOR

Requested by: Representatives Mitchell, Weatherly, Senator Martin of Pitt

ELEVATOR DIVISION SELF-SUPPORTING

Sec. 27. The Department of Labor shall study and make recommendations to the General Assembly on a plan to make the Elevator Division of the

Department of Labor self-supporting. The report shall study the corresponding fee increases that will be required for inspection periods of six months, nine months, and twelve months. The report shall also state the corresponding operating costs and personnel requirements, including expansions and reductions of positions, for each inspection period. The Department's plan shall be developed as if it were to be implemented in the 1996–97 fiscal year. The Department shall report to the Joint Legislative Commission on Governmental Operations of the General Assembly on or before April 1, 1996.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

OSHA POSITIONS

Sec. 27.1. (a) The Department of Labor may use funds appropriated to the Department of Labor for the Occupational Safety and Health Act of North Carolina (OSHANC) program to fully fund enforcement personnel in the Compliance Bureau of the OSHANC program, provided the Department of Labor certifies to the Office of State Budget and Management that no federal match is available for the 1995–96 fiscal year and for the 1996–97 fiscal year.

(b) If federal Occupational Safety and Health Administration funds are granted to match all or part of the funds for enforcement positions and support that are one hundred percent (100%) State-funded, then State funds equivalent to the federal match shall revert to the General Fund at the end of the fiscal year for which the federal match was received.

Requested by: Representative K. Miller,
Senator Martin of Pitt

DEPARTMENTAL STUDY OF WORKPLACE RETALIATORY DISCRIMINATION DIVISION OF THE DEPARTMENT OF LABOR

Sec. 27.2. The Department of Labor, the Department of Commerce, and the Employment Security Commission shall jointly undertake a study to determine if the functions of the Workplace Retaliatory Discrimination Division of the Department of Labor can effectively and efficiently be combined with certain related activities of the Employment Security Commission. The study shall include review of federal law pertaining to employment security and retaliatory discrimination to ensure that the combining of these functions would not conflict with pertinent federal law. The Department of Labor shall be the lead agency on this study and shall report the results and recommendations of the study to the Joint Legislative Commission on Governmental Operations by March 1, 1996.

PART 27A. EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES

Requested by: Representatives Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES

Sec. 27A. Notwithstanding any other provision of law, the Early Childhood Education and Development Initiatives, under Part 10B of Article 3 of Chapter 143B of the General Statutes, are subject to the following terms and conditions for the 1995–97 fiscal biennium:

(1) Accountability.

The intent of the General Assembly is to strengthen the accountability of the Department of Human Resources, the North Carolina Partnership for Children, Inc., and the local partnerships in the expenditure of public funds and achievement of Program goals for the Early Childhood Education and Development Initiatives Program, as authorized under Part 10B of Article 3 of Chapter 143B of the General Statutes. The importance of education as a part of all initiatives in this Program shall be emphasized.

In order to accomplish this level of accountability, the Joint Legislative Commission on Governmental Operations shall, consistent with current law, be the legislative oversight body for the Program. The President *Pro Tempore* of the Senate and the Speaker of the House of Representatives may appoint a subcommittee of the Joint Legislative Commission on Governmental Operations to carry out this function. This subcommittee may conduct all initial reviews of plans, reports, and budgets relating to the Program and shall make recommendations to the Joint Legislative Commission on Governmental Operations.

a. Existing Partnerships – Local partnerships receiving State funds shall submit a Certification Annual Report on April 1 of each year to the North Carolina Partnership for Children, Inc., the Joint Legislative Commission on Governmental Operations, or any committee designated by Joint Legislative Commission on Governmental Operations. Administrative costs shall be equivalent to, on an average statewide basis for all local partnerships, not more than eight percent (8%) of the total statewide allocation to all local partnerships. Quality incentive grants shall be administered at the partnership level. A definition of administrative costs shall be determined by the independent firm selected under sub–subdivision b. of this subdivision.

b. Program Audit – The Joint Legislative Commission on Governmental Operations shall select an independent firm recognized in performance auditing to conduct an independent performance audit of the first two years of operations of the 24 existing partnerships and of the administration of the Program by the Department of Human Resources. The audit's directives shall be determined by the Joint Legislative Commission on Governmental Operations and the independent firm. An interim program and performance audit report shall be submitted to the Joint Legislative Commission on Governmental Operations by January 1, 1996, and a final program and performance audit report shall be submitted to the Joint Legislative Commission on Governmental Operations by April 1, 1996. A definition of administrative costs shall be determined by the independent firm. Only in–kind contributions that are quantifiable, as determined by the independent firm, may be applied to the in–kind match requirement. The match

requirement in subdivision (3) of this section shall be studied by the independent firm and recommendations for revision, if any, shall be reported to the Joint Legislative Commission on Governmental Operations.

c. The North Carolina Partnership for Children, Inc., shall continue to make quarterly reports to the Joint Legislative Commission on Governmental Operations as provided for in G.S. 143B–168.13(5).

d. New partnerships – In subsequent fiscal biennia, any new local partnership, before receiving State funds, shall be required to submit a detailed plan for expenditure of State funds for appropriate programs to the North Carolina Partnership for Children, Inc., and the Joint Legislative Commission on Governmental Operations for approval in April of the fiscal year in which the local partnership received planning funds. State funds to implement the programs shall not be allocated to the local partnership until the program plan is approved by the North Carolina Partnership for Children, Inc., after consultation with the Joint Legislative Commission on Governmental Operations. After receipt of initial program funds, local partnerships shall then be required to submit annual Certification Reports as provided for in sub–subdivision a. of this subdivision.

e. Contracting for Services – The North Carolina Partnership for Children, Inc., and all local Partnerships shall use competitive bidding practices in contracting for goods and services on all contract amounts of $1,500 and above, and where practicable, for amounts of less than $1,500.

f. Role of North Carolina Partnership for Children, Inc. – The role of the North Carolina Partnership for Children, Inc., shall be expanded to provide technical assistance to local partnerships, assess outcome goals for children and families, ensure that statewide goals and legislative guidelines are being met, help establish policies and outcome measures, obtain non–State resources for early childhood and family services, and document and verify the cumulative contributions received by the partnerships.

(2) Funding.

a. Existing partnerships – All 24 local partnerships that received State funds during the 1993–95 biennium shall receive their State funds proposed for the 1995–96 fiscal year. Existing partnerships shall file budgets and plans for review by the North Carolina Partnership for Children, Inc. Funds for the 1996–97 fiscal year shall be available after the Joint Legislative Commission on Governmental Operations has reviewed the independent evaluation discussed in sub–subdivision (1)b. of this subdivision, and the Partnership has approved these plans and budgets in consultation with the Joint Legislative Commission on Governmental Operations. These 24

partnerships shall be required to submit a Certification Annual Report as provided in sub-subdivision a. of subdivision (1) of this section, beginning in April 1997.

b. New partnerships – Funds for planning, up to a maximum of $3,500,000, may be made available to the 12 new partnerships in the 1995-96 fiscal year out of the continuation monies designated for the program. If the performance audit report is determined to be satisfactory to the Joint Legislative Commission on Governmental Operations, funding and other recommendations for expansion shall be made to the General Assembly by the Joint Legislative Commission on Governmental Operations for the 1996-97 fiscal year.

c. Department of Human Resources; State-level administrative funding in the 1995-96 fiscal year and the 1996-97 fiscal year – Of the funds appropriated to the Department of Human Resources for Early Childhood Education and Development Initiatives for the 1995-97 fiscal biennium:

1. No funds shall be used for State education technology;
2. The Department of Human Resources shall receive $500,000 for the 1995-96 fiscal year and $250,000 for the 1996-97 fiscal year for State administration;
3. The Joint Legislative Commission on Governmental Operations shall receive $500,000 for the 1995-96 fiscal year for the independent performance audit contract; and
4. Funding for the North Carolina Partnership for Children, Inc., shall be $700,000 for each fiscal year of the biennium.

(3) Matching requirement.

The North Carolina Partnership for Children, Inc., and all local partnerships shall, in the aggregate, be required to match no less than 50% of the total amount budgeted for the Early Childhood Education and Development Initiatives in each fiscal year of the biennium as follows: contributions of cash equal to at least ten percent (10%) and in-kind donated resources equal to no more than ten percent (10%) for a total match requirement of twenty percent (20%) for each fiscal year. Only in-kind contributions that are quantifiable, as determined by the independent auditing firm, shall be applied to the in-kind match requirement.

Failure to obtain a twenty percent (20%) match by May 1 of each fiscal year shall result in a proportionate reduction in the appropriation for the Early Childhood Education and Development Initiatives Program for the next fiscal year. The North Carolina Partnership for Children, Inc., shall be responsible for compiling information on the private cash and in-kind contributions into a report that is submitted to the Joint Legislative Commission on Governmental Operations pursuant to G.S. 143B-168.13(5) in a format that allows verification by the Department of Revenue. The same

match requirements shall apply to any expansion funds appropriated by the General Assembly.

Sec. 27A.1. G.S. 143B–168.12(a) reads as rewritten:

"(a) In order to receive State funds, the following conditions shall be met:

(1) Members of the Board of Directors shall consist of the following ~~33~~ 39 members:

a. The Secretary of Human Resources, *ex officio*;

b. The Secretary of Environment, Health, and Natural Resources, *ex officio*;

c. The Superintendent of Public Instruction, *ex officio*;

d. The President of the Department of Community Colleges, *ex officio*;

e. One resident from each of the 1st, 3rd, 5th, 7th, 9th, and 11th Congressional Districts, appointed by the President *Pro Tempore* of the Senate;

f. One resident from each of the 2nd, 4th, 6th, 8th, 10th, and 12th Congressional Districts, appointed by the Speaker of the House of Representatives; ~~and~~

g. Seventeen members, of whom four shall be members of the party other than the Governor's party, appointed by the ~~Governor.~~ Governor;

h. The President *Pro Tempore* of the Senate, or a designee;

i. The Speaker of the House of Representatives, or a designee;

j. The Majority Leader of the Senate, or a designee;

k. The Majority Leader of the House of Representatives, or a designee;

l. The Minority Leader of the Senate, or a designee; and

m. The Minority Leader of the House of Representatives, or a designee.

(2) The North Carolina Partnership shall agree to adopt procedures for its operations that are comparable to those of Article 33C of Chapter 143 of the General Statutes, the Open Meetings Law, and Chapter 132 of the General Statutes, the Public Records Law, and provide for enforcement by the Department.

(3) The North Carolina Partnership shall oversee the development and implementation of the local demonstration projects as they are selected."

PART 28. MISCELLANEOUS PROVISIONS

Requested by: Representatives Holmes, Creech, Esposito, Senators Odom, Plyler, Perdue

EFFECT OF HEADINGS

Sec. 28. The headings to the Parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

Requested by: Representatives Holmes, Creech, Esposito, Senators Odom, Plyler, Perdue

EXECUTIVE BUDGET ACT REFERENCE

Sec. 28.1. The provisions of the Executive Budget Act, Chapter 143,

Article 1 of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Odom, Plyler, Perdue

CONFERENCE REPORT

Sec. 28.2. (a) The House and Senate Conference Report on the Continuation Budget, dated June 21, 1995, which was distributed in the House and Senate and used to explain this act, shall indicate action by the General Assembly on this act and shall therefore be used to construe this act, as provided in G.S. 143–15 of the Executive Budget Act, and for these purposes shall be considered a part of this act.

(b) The budget enacted by the General Assembly for the maintenance of the various departments, institutions, and other spending agencies of the State for the 1995–97 fiscal biennium is a line item budget, in accordance with the Budget Code Structure and the State Accounting System Uniform Chart of Accounts set out in the Administrative Policies and Procedures Manual of the Office of the State Controller. This budget includes the appropriations made from all sources including the General Fund, Highway Fund, special funds, cash balances, federal receipts, and departmental receipts.

The General Assembly amended the itemized budget requests submitted to the General Assembly by the Director of the Budget and the Advisory Budget Commission, in accordance with the steps that follow and the line item detail in the budget enacted by the General Assembly may be derived accordingly:

(1) Negative reserves set out in the submitted budget were deleted and the totals were increased accordingly.

(2) The base budget was adjusted in accordance with the base budget cuts and additions that were set out in the House and Senate Conference Report on the Continuation Budget, dated May 31, 1995.

(3) Transfers of funds supporting programs were made in accordance with the House and Senate Conference Report on the Continuation Budget, dated June 21, 1995.

The budget enacted by the General Assembly shall also be interpreted in accordance with the special provisions in this act and in accordance with other appropriate legislation.

In the event that there is a conflict between the line item budget certified by the Director of the Budget and the budget enacted by the General Assembly, the budget enacted by the General Assembly shall prevail.

(c) The base budget reductions set out in the House and Senate Conference Report on the Continuation Budget, dated June 21, 1995, and in this act that cannot be implemented unless House Bill 994 of the 1995 General Assembly is enacted by the 1995 General Assembly shall not become effective unless, or to the extent, that this bill is enacted making the statutory changes necessary to implement the reductions. If and to the extent that this bill making the statutory changes necessary to implement the reductions is not enacted by the 1995 General Assembly, the reductions shall not become effective and the General Fund appropriations to the corresponding departments for the corresponding purposes are hereby increased accordingly.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Odom, Plyler, Perdue

MOST TEXT APPLIES ONLY TO 1995–97

Sec. 28.3. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1995–97 biennium, the textual provisions of this act shall apply only to funds appropriated for and activities occurring during the 1995–97 biennium.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Odom, Plyler, Perdue

SEVERABILITY CLAUSE

Sec. 28.4. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of the act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Odom, Plyler, Perdue

EFFECTIVE DATE

Sec. 28.5. Except as otherwise provided, this act becomes effective July 1, 1995.

Pursuant to Sec. 28.2, see *Addendum* for the text of the House and Senate Conference Report on the Continuation Budget, dated June 21, 1995.

On motion of Senator Cochrane, the Chair orders, without objection, the Conference Report temporarily displaced.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 659 House of Representatives
(Senate Committee Substitute) June 21, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute to **HB 659**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN DUPLIN COUNTY, which proposes to change the title, upon concurrence, to read, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING WITHOUT PERMISSION FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN DUPLIN COUNTY, the Speaker has appointed as conferees on the part of the House,

Representative Watson,
Representative Braswell, and
Representative Buchanan

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 724
(House Committee Substitute)

House of Representatives
June 21, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **SB 724**, A BILL TO BE ENTITLED AN ACT TO DESCRIBE CIRCUMSTANCES UNDER WHICH AN ATTORNEY-IN-FACT MAY MAKE GIFTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, the Speaker has appointed as conferees on the part of the House,

Representative Neely,
Representative Hackney, and
Representative McComas

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting a bill for concurrence which is read and disposed of, as follows:

S.B. 331 (House Committee Substitute), a bill to provide a limited tolerance for existing truck weights, for concurrence in the House Committee Substitute, which is placed on the Calendar for Monday, June 26.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 229
(Senate Committee Substitute)

House of Representatives
June 22, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees for **HB 229**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUATION BUDGET OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

CONFERENCE REPORT

H.B. 229 (Senate Committee Substitute), a bill to appropriate funds for the continuation budget operations of State departments, institutions, and agencies, and for other purposes, with the Conference Report temporarily displaced earlier today.

On motion of Senator Plyler, the Conference Report is adopted (37–12) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action to the end the Speaker may order the Senate Committee Substitute bill enrolled.

WITHDRAWAL FROM CALENDAR

S.B. 584, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University, placed earlier today on the Calendar for Monday, June 26.

Senator Perdue offers a motion the bill be taken from the Calendar for Monday, June 26, and recommitted to the **Appropriations Committee**, which motions prevail, with unanimous consent.

The Chair orders the bill taken from the Calendar for Monday, June 26, and recommits the bill to the **Appropriations Committee.**

S.B. 765, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill and to amend Chapter 451 of the 1993 Session Laws regarding a wholly self–liquidating project at the University of North Carolina at Greensboro, placed earlier today on the Calendar for Monday, June 26.

Senator Perdue offers a motion the bill be taken from the Calendar for Monday, June 26, and recommitted to the **Appropriations Committee**, which motions prevail, with unanimous consent.

The Chair orders the bill be taken from the Calendar for Monday, June 26, and recommits the bill to the **Appropriations Committee.**

CONFERENCE REPORT

S.B. 724 (House Committee Substitute)

Senator Hartsell for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 724** (House Committee Substitute), a bill to describe circumstances under which an attorney–in–fact may make gifts, as recommended by the General Statutes Commission, submits the Conference Report as submitted earlier today, for adoption.

On motion of Senator Hartsell, the Conference Report is adopted (47–0) and the House Committee Substitute bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

COMMITTEE REFERRAL RECALL

H.B. 142 (Committee Substitute), a bill to make technical changes relating to the repeal of the intangibles tax and to other tax laws, referred to the **Appropriations Committee** on June 7.

Pursuant to Rule 47(b), Senator Perdue offers a motion the Committee Substitute bill be taken from the **Appropriations Committee** and placed on the Calendar for Monday, June 26, which motions prevail, with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Appropriations Committee** and places it on the Calendar for Monday, June 26, for consideration upon its passage.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 661, a bill to change the method of filling a vacancy on the Halifax County Board of Education, changing the title, upon concurrence, to read **H.B. 661** (Senate Committee Substitute), a bill to fill the vacancy on the Halifax County Board of Education.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Sherron.

H.B. 994 (Senate Committee Substitute), a bill to implement the recommendations of the Committee on Appropriations by changing various revenue statutes, upon third reading.

Senator Kerr offers Amendment No. 1 which is adopted (45–0).

The Senate Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Simpson, Smith, Soles, Speed, Warren, and Webster—43.

Voting in the negative: Senator Clark—1.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 659 (Committee Substitute), a bill to prohibit hunting from the right–of–way of public roads in Duplin County, changing the title, upon concurrence, to read **H.B. 659** (Senate Committee Substitute), a bill to prohibit hunting without permission from the right–of–way of public roads in Duplin County.

Pursuant to the message from the House of Representatives received earlier today requesting conferees, Senator Albertson offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

CALENDAR (Continued)

H.B. 353 (Senate Committee Substitute), a bill to implement the recommendations of the Governor's Task Force on Driving While Impaired.

Senator Odom offers Amendment No. 1 which is adopted (45–2).

Senator Odom offers Amendment No. 2.

Senator Odom offers a motion to suspend the rules to allow Walker Reagan of the General Research Division privileges of the floor to assist with explanation of the Senate Committee Substitute bill, as amended, with Amendment No. 2 pending, which motion prevails.

Following debate, Amendment No. 2 is adopted (45–1).

Senator Allran offers Amendment 3.

Senator Perdue, Co–Chairman of the **Appropriations Committee**, requests a fiscal note on the Senate Committee Substitute bill, as amended, with Amendment No. 3 pending. Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for Wednesday, June 28, for receipt of the fiscal note.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

With unanimous consent, the President Pro Tempore grants a leave of absence for the remainder of today's Session to Senator Hobbs.

H.B. 905 (Senate Committee Substitute), a bill to clarify the civil remedies available for returned checks.

The President Pro Tempore extends courtesies of the gallery to Charlie Hipps, former Senator from Haywood County.

The Senate Committee Substitute bill passes its second (39–5) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 723 (Committee Substitute), a bill to require the registration of telephonic sellers in North Carolina and to make the offering of telephone sales recovery services a criminal offense, as written by the **Commerce Committee**, with a favorable report.

H.B. 55 (Committee Substitute), a bill to provide that sales tax preferences for agriculture apply to aquaculture, with a favorable report.

On motion of Senator Kerr, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 63 (Senate Committee Substitute), a bill to provide for a specialty license for transport refrigeration contractors, to change the composition of the licensing board, and to amend other provisions of the law governing refrigeration contractors, as written by the **Commerce Committee**, with a favorable report.

H.B. 123 (Committee Substitute), a bill to revise the controlled substance excise tax, with a favorable report.

H.B. 505 (Committee Substitute No. 2), a bill to allow the Cities of Gastonia, Belmont, and Mount Holly and the Town of Stanley to make certain assessments outside the corporate limits, with a favorable report.

H.B. 639 (Committee Substitute No. 2), a bill to amend the provisions under which the Piedmont Triad Airport Authority regulates parking at the Piedmont Triad International Airport, with a favorable report.

S.B. 534, a bill to amend the law regulating surety bondsmen, bail bondsmen, and runners, as amended upon recommendation of the **Judiciary II/Election Laws Committee**, with a favorable report, as amended.

Without objection, the Chair places the bill, as amended, before the Senate for immediate consideration and the **Finance Committee** Amendment, No. 2, is adopted.

The Chair orders the measure, as amended, placed on the Calendar for Monday, June 26, for further consideration.

S.B. 710, a bill to increase the North Carolina Self-Insurance Guaranty Fund and to allow a credit against the gross premiums tax for assessments paid by self-insurers to the Guaranty Fund, with a favorable report, as amended.

Without objection, the Chair places the bill before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

On motion of Senator Kerr, the bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

H.B. 396 (Committee Substitute), a bill to modify the State ports tax credit by expanding it to include imports, by extending the sunset on the credit, and by limiting the credit for bulk exports, with a favorable report, as amended.

Without objection, the Chair places the Committee Substitute bill before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

On motion of Senator Kerr, the Committee Substitute bill, as amended, is re-referred to the **Appropriations Committee.**

H.B. 807, a bill to provide that the Department of Justice may provide criminal record checks to home care agencies and hospices, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Senate Committee Substitute bill 4185, which changes the title, upon concurrence, to read

H.B. 807 (Senate Committee Substitute), a bill to authorize the Department of Justice to provide criminal record checks to domiciliary care facilities, home care agencies, hospices, licensed child placing agencies, residential child care facilities, and other providers of treatment for or services to children, the elderly, and the sick and disabled, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Senate Committee Substitute bill is adopted and on his further motion is placed on the Calendar for Monday, June 26, for further consideration.

CALENDAR (Continued)

H.B. 416, a bill to clarify that immunity from liability for agencies supervising community service work includes claims from persons working under a deferred prosecution agreement, persons on probation and persons on parole, upon third reading.

The bill passes its third reading and is ordered enrolled.

S.B. 119 (Committee Substitute), a bill to provide qualified immunity to professional engineers who voluntarily provide engineering services during a declared emergency or disaster without compensation, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 119** (House Committee Substitute), a bill to provide qualified immunity to professional engineers and architects who voluntarily provide engineering services during a declared emergency or disaster without compensation.

The Senate fails to concur in the House Committee Substitute bill.

Senator Winner offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

S.B. 379, a bill recommended by the Legislative Research Commission's Study Committee on the Juvenile Code to allow courts to order psychiatric or psychological treatment of parents of juveniles adjudicated delinquent, undisciplined, abused, neglected, or dependent at the dispositional hearings or subsequent hearings and to provide for notice, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S.B. 496, a bill to allow local governments to forgo collection of ad valorem tax bills when the original principal amount due is under five dollars, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

On motion of Senator Rand, seconded by Senator Soles, the Senate adjourns at 1:17 P.M. to meet Monday, June 26, at 4:00 P.M.

EIGHTY-SEVENTH DAY

SENATE CHAMBER,
Monday, June 26, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father, it seems the world would judge us strictly by our accomplishments. But Your Kingdom's Business, O Lord, is measured by a different standard. It is not what we accomplish, but what we overcome that really matters.

"Help us to be overcomers this week in all that we do, then we shall experience successes that truly make a difference. For Your Sake, Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Hartsell.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, June 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor in absentia to Dr. Howard L. Cummings of Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 229 (Senate Committee Substitute), an act to appropriate funds for the continuation budget operations of State departments, institutions, and agencies, and for other purposes. (Ch. 324)

S.B. 664, an act to revise and consolidate the Charter of the Town of Plymouth. (Ch. 325)

H.B. 108 (Committee Substitute), an act to provide specialized registration plates for retired clerks of Superior Court and for supporters of professional sports teams and to limit American Legion specialized registration plates to members of the American Legion. (Ch. 326)

H.B. 708 (Senate Committee Substitute), an act to amend the General Statutes to authorize the Department of Environment, Health, and Natural Resources to electronically monitor and record compliance data off-site from special purpose commercial hazardous waste facilities that use hazardous waste as a fuel and to clarify the circumstances under which a private environmental consulting or engineering firm may be employed to implement and oversee a voluntary remedial action. (Ch. 327)

S.B. 379, an act recommended by the Legislative Research Commission's Study Committee on the Juvenile Code to allow courts to order psychiatric or psychological treatment of parents of juveniles adjudicated delinquent, undisciplined, abused, neglected, or dependent at the dispositional hearings or subsequent hearings and to provide for notice. (Ch. 328)

S.B. 496, an act to allow local governments to forgo collection of ad valorem tax bills when the original principal amount due is under five dollars. (Ch. 329)

H.B. 416, an act to clarify that immunity from liability for agencies supervising community service work includes claims from persons working under a deferred prosecution agreement, persons on probation and persons on parole. (Ch. 330)

INTRODUCTION OF A RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Smith, Cochrane, and Hartsell:
S.R. 1098, a Senate simple resolution recognizing the One Hundredth Anniversary of Spencer Shops.
The Senate simple resolution is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 859 (Committee Substitute No. 2), a bill to revise the Solid Waste Management Act of 1989 and related statutes.
Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 865 (Committee Substitute), a bill to authorize the North Carolina Board of Landscape Architects to charge reasonable fees for the registration examination to recover all costs for the examination materials and to delete references to temporary permits issued by the Board.
Referred to **Finance Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 505 (Committee Substitute No. 2), a bill to allow the Cities of Gastonia, Belmont, and Mount Holly and the Town of Stanley to make certain assessments outside the corporate limits, upon second reading.
The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: Senators Ballantine and Page—2.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Tuesday, June 27, for further consideration upon third reading.

H.B. 639 (Committee Substitute No. 2), a bill to amend the provisions under which the Piedmont Triad Airport Authority regulates parking at the Piedmont Triad International Airport.

The Committee Substitute bill No. 2 passes its second and third readings. Senator Kincaid requests to be recorded voting "no."

The Senate Committee Substitute bill No. 2 is ordered enrolled.

H.B. 63 (Senate Committee Substitute), a bill to provide for a specialty license for transport refrigeration contractors, to change the composition of the licensing board, and to amend other provisions of the law governing refrigeration contractors, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—46.

Voting in the negative: Senators Clark and Webster—2.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, June 27, for further consideration upon third reading.

H.B. 123 (Committee Substitute), a bill to revise the controlled substance excise tax, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: Senators Ballance, Jordan, and McKoy—3.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, June 27, for further consideration upon third reading.

H.B. 807, a bill to provide that the Department of Justice may provide criminal record checks to home care agencies and hospices, changing the title, upon concurrence, to read **H.B. 807** (Senate Committee Substitute), a bill to authorize the

Department of Justice to provide criminal record checks to domiciliary care facilities, home care agencies, hospices, licensed child placing agencies, residential child care facilities, and other providers of treatment for or services to children, the elderly, and the sick and disabled, on today's Calendar upon second reading.

With unanimous consent, on motion of Senator Perdue, the Senate Committee Substitute bill is taken up out of its regular order of business, and on her further motion, is re-referred to the **Appropriations Committee.**

COMMITTEE REFERRAL RECALL

H.B. 759, a bill to provide that a home for the aged, sick, or infirm whose property is exempt from property tax is allowed a refund of State and local sales and use taxes, referred to the **Finance Committee** on June 5.

Pursuant to Rule 47(b), Senator Sherron offers a motion the bill be taken from the **Finance Committee** and re-referred to the **Appropriations Committee,** which motions prevail, with unanimous consent.

The Chair orders the bill recalled from the **Finance Committee** and refers the measure to the **Appropriations Committee.**

CALENDAR (Continued)

S.B. 4 (House Committee Substitute), a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, for concurrence in the House Committee Substitute bill, on today's Calendar upon third reading.

With unanimous consent, on motion of Senator Albertson, the House Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the House Committee Substitute bill is postponed until Wednesday, June 28.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 311 (Committee Substitute), a bill to make use of a counterfeit trademark a crime in North Carolina, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 6167, which changes the title, upon concurrence, to read **H.B. 311** (Senate Committee Substitute), a bill to make use of a counterfeit trademark a crime in North Carolina, and to modify the civil remedies available for fraudulent registration of a trademark and infringement of a trademark, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 27, for further consideration.

CALENDAR (Continued)

H.B. 142 (Committee Substitute), a bill to make technical changes relating to the repeal of the intangibles tax and to other tax laws, upon second reading.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Senator Kerr offers Amendment No. 1 which is adopted (48–0).

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate Lieutenant Governor Wicker, who presides.

Upon the appearance of Senator Hartsell in the Chamber, the Chair orders the leave of absence previously granted withdrawn.

The Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: Senators McDaniel and Page—2.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, June 27, for further consideration upon third reading.

COMMITTEE REFERRAL RECALL

S.B. 1038, a bill to clarify jurisdictional authority for enforcement of the welfare and control laws, to establish the Animal Welfare Division within the Department of Agriculture, to create an Animal Welfare Act Enforcement Fund, to reduce costs of animal control by requiring cities and counties to charge a lower animal tax on pets that have been spayed or neutered, to provide for local programs for the spaying and neutering of animals, and to establish a Pet Fund within the newly created Animal Welfare Division to provide assistance to those programs, referred to the **Agriculture/Environment/Natural Resources Committee** on May 4.

Pursuant to Rule 47(b), Senator Albertson offers a motion the bill be taken from the **Agriculture/Environment/Natural Resources Committee** and re–referred to the **Judiciary II/Election Laws Committee**, which motions prevail, with unanimous consent.

The Chair orders the bill recalled from the **Agriculture/Environment/Natural Resources Committee** and refers the measure to the **Judiciary II/Election Laws Committee.**

CALENDAR (Continued)

S.B. 534, a bill to amend the law regulating surety bondsmen, bail bondsmen, and runners, as amended.

The bill, as amended, passes its second (48–1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 723 (Committee Substitute), a bill to require the registration of telephonic sellers in North Carolina and to make the offering of telephone sales recovery services a criminal offense.

The Committee Substitute bill passes its second reading (45–3).

Senator Ledbetter objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, June 27, for further consideration upon third reading.

H.B. 85 (Committee Substitute), a bill to provide that nonprofit barber schools have one instructor for every twenty students.

Senator Winner offers Amendment No. 1 which is adopted (41–7).

The Committee Substitute bill, as amended, passes its second reading (46–3).

Senator Rand objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, June 27, for further consideration upon third reading.

H.B. 437, a bill to provide for the State of North Carolina to establish a State Veterans Home Program in the Division of Veterans Affairs of the Department of Administration.

The bill passes its second reading (49-0).

Senator Webster objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, June 27, for further consideration upon third reading.

H.B. 487, a bill to authorize pilot programs in which students are required to wear uniforms in public schools.

Following debate, the bill passes its second (40–9) and third readings and is ordered enrolled.

COMMITTEE REFERRAL RECALL

S.B. 854, a bill to provide that an owner of an erosion or storm-damaged structure is liable for certain damages resulting from the hazards posed by those structures, referred to the **Judiciary I/Constitution Committee** on April 26.

Pursuant to Rule 47(b), Senator Cooper offers a motion the bill be taken from the **Judiciary I/ Constitution Committee** and re-referred to the **Finance Committee**, which motions prevail, with unanimous consent.

The Chair orders the bill recalled from the **Judiciary I/Constitution Committee** and refers the measure to the **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution which is read the first time and disposed of, as follows:

H.J.R. 987, a joint resolution honoring the memory of former members of the North Carolina State Defense Militia and recognizing the North Carolina State Defense Militia for its contributions to the State of North Carolina.

On motion of Senator Rand, the rules are suspended, without objection, and the joint resolution is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Chair orders, without objection, the joint resolution temporarily displaced.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 226, a bill to exempt railroads from payment of sales tax on diesel fuel used by locomotives and railroad cars, with a favorable report.

S.B. 704, a bill to redefine the boundaries of the West End Fire Protection District in Moore County, as amended upon recommendation of the **Local Government and Regional Affairs Committee**, with a favorable report.

S.B. 980, a bill to exempt nonprofit continuing care facilities from property taxes, with a favorable report.

H.B. 447 (Committee Substitute), a bill to require an ambulance provider license, as amended upon recommendation of the **Commerce Committee**, with a favorable report.

H.B. 574 (Committee Substitute), a bill to incorporate the Town of Land Harbor, with a favorable report.

H.B. 576 (Committee Substitute No. 3), a bill to incorporate the Town of Summerfield, subject to a referendum, with a favorable report.

H.B. 1058, a bill to make conforming changes to the tax law in light of federal law preempting State regulation of most motor freight carriers, with a favorable report.

S.B. 202, a bill to encourage the composting of poultry carcasses and provide an income tax credit for poultry composting facilities, with an unfavorable report as to bill, as amended upon recommendation of the **Agriculture/Environment/Natural Resources Committee**, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill 8629 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Sherron, the Committee Substitute bill is placed on the Calendar for Tuesday, June 27, for further consideration.

S.B. 598, a bill to enact local legislation for Scotland County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill 7703, which changes the title to read **S.B. 598** (Committee Substitute), a bill to create fire districts in Scotland County, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 27, for further consideration.

H.B. 537 (Committee Substitute No. 2), a bill to allow Gaston County to acquire and otherwise make available property for use by the board of trustees of a community college within the county, with an unfavorable report to Committee Substitute bill No. 2, but favorable to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill 4182, which changes the title, upon concurrence, to read **H.B. 537** (Senate Committee Substitute), a bill to allow Gaston and Greene Counties to acquire and otherwise make available property for use by the board of trustees of a community college within the county and to validate certain Greene County expenditures for a facility for joint community college and public school use, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 27, for further consideration.

By Senator Perdue for the **Appropriations Committee**:

H.B. 12 (Committee Substitute), a bill to amend the Constitution of North Carolina to limit members of the legislature to six consecutive terms in a house, changing the title, upon concurrence to read **H.B. 12** (Senate Committee Substitute), a bill to amend the Constitution of North Carolina to provide for term limits for members of the General Assembly, to provide incentives for candidates for the General Assembly to limit their campaign expenditures, and to establish North Carolinians for Positive Campaigns and make related changes, with an unfavorable report as to Senate Committee Substitute bill No. 1, as written by the **Judiciary I/ Constitution Committee**, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Perdue, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, 8211, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Senate Committee Substitute bill No. 2 is adopted, and on her further motion is placed on the Calendar for Tuesday, June 27, for further consideration.

CALENDAR (Continued)

H.J.R. 987, a joint resolution honoring the memory of former members of the North Carolina State Defense Militia and recognizing the North Carolina State Defense Militia for its contributions to the State of North Carolina, temporarily displaced earlier.

With unanimous consent, on motion of Senator Webster, the joint resolution is read in its entirety.

The joint resolution passes its second (48–0) and third readings and is ordered enrolled.

H.B. 848 (Committee Substitute), a bill to require notice to and consultation with the minor's legally responsible person before discharge from treatment of mental illness or substance abuse.

The Committee Substitute bill passes its second (48–0) and third readings and is ordered enrolled.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

H.B. 873, a bill to limit the substances that applicators of pesticides are authorized to apply and to provide for the pesticide applicator's license to be revoked, suspended, or denied for violating this limitation, as amended.

Senator Albertson offers Amendment No. 2 which is adopted (40–8) deleting Amendment No. 1.

The bill, as amended, passes its second reading (43–5).

Senator Kincaid objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, June 27, for further consideration upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 724
(House Committee Substitute)

House of Representatives
June 26, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **SB 724**, A BILL TO BE ENTITLED AN ACT TO DESCRIBE CIRCUMSTANCES UNDER WHICH AN ATTORNEY-IN-FACT MAY MAKE GIFTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 65
(Senate Committee Substitute)

House of Representatives
June 26, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute to **HB 65**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISPLAY OF THE UNITED STATES FLAG IN EVERY PUBLIC SCHOOL CLASSROOM, TO ENCOURAGE THE DISPLAY OF THE NORTH CAROLINA FLAG IN EVERY PUBLIC SCHOOL CLASSROOM, TO REQUIRE STUDENTS IN THE PUBLIC SCHOOLS TO RECITE THE PLEDGE OF ALLEGIANCE EVERY DAY, TO ENCOURAGE THE DISPLAY OF THE UNITED STATES AND

NORTH CAROLINA FLAGS AND THE RECITATION OF THE PLEDGE OF ALLEGIANCE IN PRIVATE SCHOOLS AND HOME SCHOOLS, AND TO ENCOURAGE DONATIONS OF FLAGS TO BE DISPLAYED IN EVERY PUBLIC SCHOOL CLASSROOM, which proposes to change the title, upon concurrence to read, **HB 65**, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE DISPLAY OF THE UNITED STATES AND NORTH CAROLINA FLAGS IN PUBLIC SCHOOL CLASSROOMS, TO ENCOURAGE THE RECITAL OF THE PLEDGE OF ALLEGIANCE IN THE PUBLIC SCHOOLS, TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP MODEL GUIDELINES FOR IMPLEMENTING THIS ACT, AND TO ENCOURAGE DONATIONS OF FLAGS TO BE DISPLAYED IN PUBLIC SCHOOL CLASSROOMS. The Speaker has appointed as conferees on the part of the House,

Representative K. Miller,
Representative Morgan, and
Representative Wilkins

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Senator Plexico offers a motion the Senate do appoint conferees, which motion prevails, with unanimous consent. The President *Pro Tempore* takes the appointment of conferees under advisement.

CALENDAR (Continued)

S.B. 723 (Committee Substitute), a bill to require the registration of telephonic sellers in North Carolina and to make the offering of telephone sales recovery services a criminal offense, ordered placed on the Calendar for June 27 earlier today.

With unanimous consent, Senator Ledbetter withdraws his objection to third reading, the Senate reconsiders and the Committee Substitute bill is taken from the Calendar for June 27 and placed before the Senate for further consideration upon third reading.

Senator Ledbetter offers Amendment No. 1 which is adopted (46–1).

The Committee Substitute bill, as amended, passes its third reading (48–0) and is ordered engrossed and sent to the House of Representatives.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

H.B. 970, a bill to permit employers to conduct on–site drug testing under certain circumstances.

Without objection, Senator Forrester is excused from voting on the bill for the stated reason "potential conflict."

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (47–0).

Senator Rand objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, June 27, for further consideration upon third reading.

S.B. 331 (House Committee Substitute), a bill to provide a limited tolerance for existing truck weights, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (47–0) and the measure is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill for concurrence which is read and disposed of, as follows:

S.B. 339 (House Committee Substitute), a bill to grant added powers to the Stanly Airport Authority related to constructing an industrial park, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, June 27.

PAGES

The President recognizes the following pages serving in the Senate this week:

Christopher James Ayers, Rutherfordton; April Dawn Batten, Four Oaks; Melinda Gayle Beaman, Snow Hill; Melissa Beaman, Snow Hill; Beth Bizzell, Kinston; Jay Thomas Briley, Kinston; N. Adam Brown, Hampstead; James Clifton Buck III, Raleigh; Benjamin Judd Collins, Rocky Mount; Ethan Culbreth, Wilmington; Jonathan Owen Easley, Greenville; Natalie Ruth Garrison, Charlotte; Jamie Gerke, Lumber Bridge; Clara Elizabeth Hall, Fayetteville; Elinor Marie Johnsey, Kinston; Kevin Christopher Lampo, Banner Elk; Courtney LoMonte, Raleigh; Anthony Nicastro, Winston-Salem; Dana Michelle Pearce, Raleigh; Lindsay Pursell, New Bern; Heather Marie Spencer, Scranton; Helen Rebecca Spencer, Fairfield; Summer Kay Stephenson, Knightdale; Patrick L. Stover, Red Oak; James Benjamin Ward, Robersonville; and Durwood Belmont Willis, Morehead City.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 65 (Committee Substitute), a bill to require the display of the United States flag in every public school classroom, to encourage the display of the North Carolina flag in every public school classroom, to require students in the public schools to recite the pledge of allegiance every day, to encourage the display of the United States and North Carolina flags and the recitation of the pledge of allegiance in private schools and home schools, and to encourage donations of flags to be displayed in every public school classroom, changing the title, upon concurrence to read **H.B. 65** (Senate Committee Substitute), a bill to encourage the display of the United States and North Carolina flags in public school classrooms,

to encourage the recital of the Pledge of Allegiance in the public schools, to direct the State Board of Education to develop model guidelines for implementing this act, and to encourage donations of flags to be displayed in public school classrooms, with the motion of Senator Plexico prevailing earlier today the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Plexico, Chairman, and Senators Winner and Allran as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 659 (Committee Substitute), a bill to prohibit hunting from the right–of–way of public roads in Duplin County, changing the title, upon concurrence, to read **H.B. 659** (Senate Committee Substitute), a bill to prohibit hunting without permission from the right–of–way of public roads in Duplin County, with the motion of Senator Albertson prevailing on June 22, the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Albertson, Rand, Shaw, and Dannelly as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 119 (Committee Substitute), a bill to provide qualified immunity to professional engineers who voluntarily provide engineering services during a declared emergency or disaster without compensation, changing the title, upon concurrence, to read **S.B. 119** (House Committee Substitute), a bill to provide qualified immunity to professional engineers and architects who voluntarily provide engineering services during a declared emergency or disaster without compensation, with the motion of Senator Winner prevailing on June 22, the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Winner, Hobbs, and Ballantine as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator Hartsell, the Senate adjourns at 6:30 P.M. to meet tomorrow, Tuesday, June 27, at 3:00 P.M.

EIGHTY–EIGHTH DAY

SENATE CHAMBER,
Tuesday, June 27 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, we remember that Harry Truman once said, 'Being President is like riding a tiger; one has to keep riding or be swallowed.'

"During the last days of the General Assembly, all the members of this Body know quite well what the President meant.

"We ask that You give each person here, through Your Presence, a strong measure of perserverance so that whether they are prodding others, following, or leading, in the thick of things they shall endure and succeed. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Sawyer for a doctor's appointment.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, June 26, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Anna Voytek of Greensboro, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 724 (House Committee Substitute), an act to describe circumstances under which an attorney–in–fact may make gifts, as recommended by the General Statutes Commission. (Ch. 331)

S.B. 331 (House Committee Substitute), an act to provide a limited tolerance for existing truck weights. (Ch. 332)

H.B. 231, an act to request the Supreme Court to adopt a plan to administer justice without delay in North Carolina trial courts. (Ch. 333)

H.B. 487, an act to authorize pilot programs in which students are required to wear uniforms in public schools. (Ch. 334)

H.B. 639 (Committee Substitute No. 2), an act to amend the provisions under which the Piedmont Triad Airport Authority regulates parking at the Piedmont Triad International Airport. (Ch. 335)

H.B. 848 (Committee Substitute), an act to require notice to and consultation with the minor's legally responsible person before discharge from treatment of mental illness or substance abuse. (Ch. 336)

H.J.R. 987, a joint resolution honoring the memory of former members of the North Carolina State Defense Militia and recognizing the North Carolina State Defense Militia for its contributions to the State of North Carolina. (Res. 11)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 826 (Committee Substitute No. 2), a bill to provide for the licensing of soil scientists.

The bill is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 119
(House Committee Substitute)

House of Representatives
June 27, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute for **SB 119**, A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY TO PROFESSIONAL ENGINEERS WHO VOLUNTARILY PROVIDE ENGINEERING SERVICES DURING A DECLARED EMERGENCY OR DISASTER WITHOUT COMPENSATION, which upon concurrence, changes the title to read **SB 119**, A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY TO PROFESSIONAL ENGINEERS AND ARCHITECTS WHO VOLUNTARILY PROVIDE ENGINEERING SERVICES DURING A DECLARED EMERGENCY OR DISASTER WITHOUT COMPENSATION. The Speaker has appointed as conferees on the part of the House,

Representative Pate,
Representative Thompson, and
Representative Culpepper

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

H.B. 774 (Committee Substitute), a bill to amend the Professional Corporation Act to allow collaborative practices between and among physicians and mid-level health care providers, with a favorable report, as amended.

S.B. 1038, a bill to clarify jurisdictional authority for enforcement of the welfare and control laws, to establish the Animal Welfare Division within the Department

of Agriculture, to create an Animal Welfare Act Enforcement Fund, to reduce costs of animal control by requiring cities and counties to charge a lower animal tax on pets that have been spayed or neutered, to provide for local programs for the spaying and neutering of animals, and to establish a Pet Fund within the newly created Animal Welfare Division to provide assistance to those programs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 4649, which changes the title to read **S.B. 1038** (Committee Substitute), a bill to authorize the Legislative Research Commission to study the need to revise the laws relating to animal welfare and animal control, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Committee Substitute bill is adopted.

With unanimous consent, on motion of Senator Gulley, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 505 (Committee Substitute No. 2), a bill to allow the Cities of Gastonia, Belmont, and Mount Holly and the Town of Stanley to make certain assessments outside the corporate limits, upon third reading.

The Committee Substitute bill No. 2 passes it third reading by roll-call vote, ayes 40, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Dannelly, Davis, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Speed, Warren, and Winner—40.

Voting in the negative: Senators Ballantine, Clark, McDaniel, and Page—4.

The Committee Substitute bill No. 2 is ordered enrolled.

S.B. 704, a bill to redefine the boundaries of the West End Fire Protection District in Moore County, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, June 28, for further consideration upon third reading.

H.B. 537 (Committee Substitute No. 2), a bill to allow Gaston County to acquire and otherwise make available property for use by the board of trustees of a community college within the county, changing the title, upon concurrence, to read

H.B. 537 (Senate Committee Substitute), a bill to allow Gaston and Greene Counties to acquire and otherwise make available property for use by the board of trustees of a community college within the county and to validate certain Greene County expenditures for a facility for joint community college and public school use, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—47.

Voting in the negative: Senator Webster—1.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, June 28, for further consideration upon third reading.

H.B. 574 (Committee Substitute), a bill to incorporate the Town of Land Harbor, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, June 28, for further consideration upon third reading.

H.B. 576 (Committee Substitute No. 3), a bill to incorporate the Town of Summerfield, subject to a referendum, upon second reading.

The Committee Substitute bill No. 3 passes its second reading by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: Senator Jordan—1.

The Committee Substitute bill No. 3 is ordered placed on the Calendar for tomorrow, Wednesday, June 28, for further consideration upon third reading.

With unanimous consent, on motion of Senator Basnight, the Senate recesses at 3:30 P.M. to reconvene at 3:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

The Chair extends courtesies of the floor to Bill Barker, former Senator from Craven County.

COMMITTEE REFERRAL RECALLS

S.B. 572, a bill to provide for surety bonds for small businesses that contract with governmental agencies, referred to the **Appropriations Committee** on April 3.

Pursuant to Rule 47(b), Senator Plyler offers a motion the bill be taken from the **Appropriations Committee** and re-referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and refers the measure to the **Finance Committee**.

S.B. 607, a bill to require the University of North Carolina and North Carolina State University to play East Carolina University in football, referred to the **Education/Higher Education Committee** on April 10.

Pursuant to Rule 47(b), Senator Plexico offers a motion the bill be taken from the **Education/Higher Education Committee** and re-referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Education/Higher Education Committee** and refers the bill to the **Finance Committee**.

CONFERENCE REPORT

H.B. 645 (Senate Committee Substitute)

Senator Gulley, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 645** (Committee Substitute), a bill to provide that local governments may regulate the possession of open containers of alcoholic beverages on public property and the possession of alcoholic beverages on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, which Senate Committee Substitute bill proposes to change the title, upon concurrence, to read **H.B. 645** (Senate Committee Substitute), a bill to make Statewide a local act providing that local governments may regulate the possession of open containers of malt beverages and unfortified wine on public property and the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, and further defining public property and open container, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 645, A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE A LOCAL ACT PROVIDING THAT LOCAL GOVERNMENTS MAY REGULATE THE POSSESSION OF OPEN CONTAINERS OF MALT BEVERAGES AND UNFORTIFIED WINE ON PUBLIC PROPERTY AND THE POSSESSION OF MALT BEVERAGES AND UNFORTIFIED WINE ON PUBLIC STREETS, ALLEYS, OR PARKING LOTS

WHICH ARE TEMPORARILY CLOSED TO REGULAR TRAFFIC FOR SPECIAL EVENTS, AND FURTHER DEFINING PUBLIC PROPERTY AND OPEN CONTAINER, Senate Judiciary II/Election Laws Committee Substitute Adopted 6/13/95, Fourth Edition Engrossed 6/14/95, submit the following report:

The House concurs in the Senate Judiciary II/Election Laws Committee Substitute Adopted 6/13/95, Fourth Edition Engrossed 6/14/95, with the following amendments:

(1) On page 1, line 18, delete "by pedestrians" and on page 1, line 19 immediately after the word "county" add "by persons who are not occupants of motor vehicles"; and

(2) On page 2 line 2, strike-through "by pedestrians" and on page 2 line 3 immediately after the word "county" add "by persons who are not occupants of motor vehicles".

The Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 26, 1995.

S/Wib P. Gulley	S/Thomas E. Wright
S/Jordan	S/C. B. Neely, Jr.
S/Horton	S/George S. Robinson
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Gulley, the Conference Report is adopted (47-1), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 202 (Committee Substitute), a bill to encourage the composting of poultry carcasses and provide an income tax credit for poultry composting facilities, on today's Calendar.

With unanimous consent, on motion of Senator Odom, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 226, a bill to exempt railroads from payment of sales tax on diesel fuel used by locomotives and railroad cars, on today's Calendar.

With unanimous consent, on motion of Senator Odom, the bill is taken up out of its regular order of business, and on his further motion, the bill is re-referred to the **Appropriations Committee.**

S.B. 180 (Committee Substitute), a bill to increase the minimum payment due to the Employment Security Commission from one dollar to five dollars, to authorize certain businesses to file annual reports with the Employment Security Commission rather than quarterly reports, and to authorize certain businesses that are allowed

to file annual reports to file by telephone, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 180** (House Committee Substitute), a bill to modify the payment and reporting requirements and the collection procedures for unemployment contributions and to provide for a reduction in these contributions in certain circumstances, on today's Calendar for concurrence.

With unanimous consent, on motion of Senator Odom, the House Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the House Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 980, a bill to exempt nonprofit continuing care facilities from property taxes, on today's Calendar.

With unanimous consent, on motion of Senator Sherron, the bill is taken up out of its regular order of business, and on his further motion, the bill is recommitted to the **Finance Committee.**

H.B. 85 (Committee Substitute), a bill to provide that nonprofit barber schools have one instructor for every twenty students, as amended, on today's Calendar upon third reading.

With unanimous consent, on motion of Senator Rand, the Committee Substitute bill, as amended, is taken up out of its regular order of business, and on his further motion consideration of the measure is postponed until Friday, June 30.

H.B. 311 (Committee Substitute), a bill to make use of a counterfeit trademark a crime in North Carolina, changing the title, upon concurrence, to read **H.B. 311** (Senate Committee Substitute), a bill to make use of a counterfeit trademark a crime in North Carolina, and to modify the civil remedies available for fraudulent registration of a trademark and infringement of a trademark, on today's Calendar.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the measure is postponed until Wednesday, June 28.

S.B. 598 (Committee Substitute), a bill to create fire districts in Scotland County.

The Committee Substitute bill passes its second (47–1) and third readings and is ordered sent to the House of Representatives.

S.B. 339 (House Committee Substitute), a bill to grant added powers to the Stanly Airport Authority related to constructing an industrial park, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Webster, and Winner—48.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, June 28, for concurrence upon third reading.

H.B. 63 (Senate Committee Substitute), a bill to provide for a specialty license for transport refrigeration contractors, to change the composition of the licensing board, and to amend other provisions of the law governing refrigeration contractors, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll–call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—46.

Voting in the negative: Senators Clark and Webster—2.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 123 (Committee Substitute), a bill to revise the controlled substance excise tax, upon third reading.

Senator Ballance offers Amendment No. 1, held to be material, which fails of adoption (12–37).

The Committee Substitute bill passes its third reading by roll–call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: Senator Horton—1.

The Committee Substitute bill is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Appropriations Committee**:

S.B. 584, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University, with a favorable report.

S.B. 631 (Committee Substitute), a bill to allow individuals to contribute income tax refunds to the Highway Wildflower Fund, as written by the **Finance Committee**, with a favorable report, as amended.

CALENDAR (Continued)

H.B. 142 (Committee Substitute), a bill to make technical changes relating to the repeal of the intangibles tax and to other tax laws, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 12 (Senate Committee Substitute No. 2), a bill to amend the Constitution of North Carolina to provide for term limits for members of the General Assembly, to provide incentives for candidates for the General Assembly to limit their campaign expenditures, and to establish North Carolinians for Positive Campaigns and make related changes, upon second reading, and which requires a three–fifths affirmative majority.

Pursuant to Rule 57.1, Senator Simpson rises to a point of order as to the germaneness of the Senate Committee Substitute bill No. 2 to the original House bill. The Chair rules the proper time to raise a point of order as to germaneness of a committee amendment rewriting the measure in its entirety at the time it is presented for adoption. The Chair fails to sustain the point of order raised by Senator Simpson and rules the Senate Committee Substitute bill No. 2 germane.

Senator McDaniel rises, pursuant to Rule 28, and requests a division of the measure upon its passage. The Chair rules "that it is not a question that is or should be divided." Senator McDaniel requests permission to offer a motion to the end the question on passage of the Senate Committee Substitute bill No. 2 be divided. The Chair disallows the motion.

Senator Hoyle offers Amendment No. 1. Following lengthy debate, Senator Hoyle calls the previous question, seconded by Senator Conder. The call is sustained. Amendment No. 1 is adopted (36–13).

Senator Simpson offers Amendment No. 2 which proposes to change the title to read **H.B. 12** (Senate Committee Substitute No. 2), a bill amend the Constitution of North Carolina to provide for term limits for members of the General Assembly. Following lengthy debate, Senator Gulley calls the previous question, seconded by Senator Conder.

Senator Kincaid rises to explain his vote. The Chair rules, pursuant to Rule 30, an explanation of vote in order after the final vote is taken.

The call for the previous question is sustained (26–23). Amendment No. 2 fails of adoption (23–26) and the question becomes the passage of the Senate Committee Substitute bill No. 2 upon its second reading.

Senator Webster offers a motion the Senate do now adjourn, seconded by Senator Forrester, which fails to prevail.

The Chair directs the Clerk to record the vote on the passage of the measure upon second reading after which the Chair announces the vote 24 voting "aye" and 25 voting "no."

Senator Warren offers a motion the rules be suspended to the end he be allowed to change his vote from "no" to "aye," which motion he subsequently withdraws.

The Chair announces the Senate Committee Substitute bill No. 2 fails to pass its second reading.

Senator Kincaid rises, pursuant to Rule 30, and explains his vote.

Senator Cooper offers a motion the rules be suspended to the end Senator Martin of Guilford and Senator Warren be allowed to change their votes after the announcement by the Chair of the recorded vote. Upon inquiry from Senator McDaniel, the Chair rules members recorded casting negative votes become the prevailing side. After further debate, the motion to temporarily suspend the rules prevails (49–0).

Senator Martin of Guilford and Senator Warren request to change their votes from "no" to "aye."

The Chair announces the adjusted vote ayes 26, noes 23 and declares the Senate Committee Substitute bill No. 2 fails to pass its second reading failing to receive the Constitutional requirement of a three–fifths affirmative majority vote. The measure lies upon the table.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

H.B. 768, a bill to provide that the highway use tax trade–in allowance applies when two cars are exchanged for one another, with a favorable report.

H.B. 90 (Senate Committee Substitute), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to issue concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, to increase the penalty for carrying a concealed handgun without a permit, and to make conforming statutory changes, with an unfavorable report as to Senate Committee Substitute No. 1 as written by the **Judiciary I/Constitution Committee**, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, 1285, is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Sherron the Senate Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, June 28, for further consideration.

With bills remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 6:03 P.M. to meet tomorrow, Wednesday, June 28, at 10:00 A.M.

EIGHTY-NINTH DAY

SENATE CHAMBER,
Wednesday, June 28, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father, the world teaches us that to have what we want is riches, but You have taught us, O God, that to be able to do without is our true source of power. "Help us to think and to live accordingly. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, June 27, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. A. Clark Gaither of Goldsboro, who is serving the Senate as Doctor of the Day.

CALENDAR

H.B. 576 (Committee Substitute No. 3), a bill to incorporate the Town of Summerfield, subject to a referendum, on today's Calendar upon third reading. With unanimous consent, on motion of Senator Jordan, the Committee Substitute bill No. 3 is taken up out of its regular order of business, and on his further motion, is re-referred to the **Local Government and Regional Affairs Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 661 (Committee Substitute), an act relating to the definition of subdivision in Montgomery County. (Ch. 337)

S.B. 685, an act to allow the City of Durham to require certain actions of its transportation authority to be by supermajority. (Ch. 338)

H.B. 682 (Senate Committee Substitute), an act making further sundry amendments concerning local governments in Orange and Chatham Counties. (Ch. 339)

H.B. 123 (Committee Substitute), an act to revise the controlled substance excise tax. (Ch. 340)

H.B. 505 (Committee Substitute No. 2), an act to allow the Cities of Gastonia, Belmont, and Mount Holly and the Town of Stanley to make certain assessments outside the corporate limits. (Ch. 341)

REPORT OF COMMITTEE

A resolution is reported from a standing committee, read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Rand for the **Rules and Operation of the Senate Committee**:

S.J.R. 515, a joint resolution honoring the life and memory of Franklin "Frank" W. Howey, Sr., of Union County, with a favorable report.

CALENDAR

Bills on the Calendar, carried forward as unfinished business from Tuesday, June 27, are taken up and disposed of, as follows:

H.B. 280 (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen and to prohibit the discharge of pyrotechnics within one hundred feet of woodlands.

Senator Kerr offers Amendment No. 1 which is adopted (45–5).

The Committee Substitute bill, as amended, passes its second (44–6) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 584, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University, on today's Calendar upon second reading.

With unanimous consent, on motion of Senator Perdue, the bill is taken up out of its regular order of business, and on her further motion, is recommitted to the **Appropriations Committee.**

S.B. 704, a bill to redefine the boundaries of the West End Fire Protection District in Moore County, as amended, upon third reading.

With unanimous consent, on motion of Senator Basnight, the bill, as amended, is taken up out of its regular order of business and placed before the Senate for immediate consideration.

The bill, as amended, passes its third reading by roll–call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—50.

Voting in the negative: None.

The bill, as amended, is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 90 (Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has

obtained a concealed handgun permit, to authorize sheriffs to authorize issuance of concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, and to make conforming statutory changes, changing the title, upon concurrence, to read **H.B. 90** (Senate Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to issue concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, to increase the penalty for carrying a concealed handgun without a permit, and to make conforming statutory changes, on today's Calendar upon second reading.

Senator Odom offers a motion, the Senate Committee Substitute bill No. 2 be taken up out of its regular order of business, and offers a further motion to re–refer the measure to the **Judiciary I/Constitution Committee**, which motions he subsequently withdraws following debate.

The Senate Committee Substitute bill No. 2 remains on the Calendar in its regular order of business.

H.B. 353 (Senate Committee Substitute), a bill to implement the recommendations of the Governor's Task Force on Driving While Impaired, as amended, on today's Calendar, with Amendment No. 3 pending.

With unanimous consent, on motion of Senator Odom, the Senate Committee Substitute bill, as amended, is taken up out of its regular order of business and, on his further motion, the Senate Committee Substitute bill, as amended, is recommitted to the **Judiciary I/Constitution Committee**, with Amendment No. 3 pending.

RECONSIDERATION

H.B. 280 (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen and to prohibit the discharge of pyrotechnics within one hundred feet of woodlands, as amended, passing third reading earlier today.

Senator Kerr offers a motion the vote by which the Committee Substitute bill, as amended, passed its third reading be reconsidered, which motion prevails, and the question reverts to passage of the Committee Substitute bill, as amended, upon third reading.

Senator Kerr offers a motion the vote by which the Committee Substitute bill, as amended, passed its second reading be reconsidered, which motion prevails, and the question reverts to passage of the Committee Substitute bill, as amended, upon second reading.

Senator Kerr offers a motion the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails, and the question reverts to the adoption of Amendment No. 1. With unanimous consent, Senator Kerr withdraws Amendment No. 1.

Senator Kerr offers Amendment No. 2 which is adopted (47–2), changing the title, upon concurrence, to read **H.B. 280** (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen.

The Committee Substitute bill, as amended, passes its second reading (43–6).

Senator Horton objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, June 29, for further consideration upon third reading.

POINT OF PERSONAL PRIVILEGE

Senator Conder rises and speaks to a point of personal privilege, whereupon Senator Webster rises to a point of order as to debate of a bill excluded from statements to a point of personal privilege pursuant to Rule 15. The Chair sustains the point of order.

CALENDAR (Unfinished Business Continued)

H.B. 447 (Committee Substitute), a bill to require an ambulance provider license, as amended.

With unanimous consent, on motion of Senator Foxx, consideration of the Committee Substitute bill, as amended, is postponed until Wednesday, July 5.

S.B. 4 (House Committee Substitute), a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, on today's Calendar for concurrence in the House Committee Substitute bill, upon third reading.

With unanimous consent, on motion of Senator Albertson, the House Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the House Committee Substitute bill is postponed until Thursday, June 29.

H.B. 552, a bill to close a loophole in the Minimum Housing Standards Act as it applies to large urban cities where the owner of substandard property can avoid orders to repair, remove, or demolish the unit by simply closing it.

The bill passes its second (42–8) and third readings and is ordered enrolled.

H.B. 1058, a bill to make conforming changes to the tax law in light of federal law preempting State regulation of most motor freight carriers.

The Chair orders, without objection, the bill temporarily displaced.

H.B. 437, a bill to provide for the State of North Carolina to establish a State Veterans Home Program in the Division of Veterans Affairs of the Department of Administration, upon third reading.

The bill passes its third reading (49–0) and is ordered enrolled.

H.B. 873, a bill to limit the substances that applicators of pesticides are authorized to apply and to provide for the pesticide applicator's license to be revoked, suspended, or denied for violating this limitation, as amended, upon third reading.

The bill, as amended, passes its third reading (48–2) and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 2.

H.B. 970, a bill to permit employers to conduct on-site drug testing under certain circumstances, as amended, upon third reading.

Without objection, Senator Forrester is excused from voting on the measure for the stated reason "potential conflict."

The bill, as amended, passes its third reading (49–0) and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 1058, a bill to make conforming changes to the tax law in light of federal law preempting State regulation of most motor freight carriers, temporarily displaced earlier.

The bill passes its second (50–0) and third readings and is ordered enrolled.

Bills on today's Calendar are taken up and disposed of as follows:

S.B. 339 (House Committee Substitute), a bill to grant added powers to the Stanly Airport Authority related to constructing an industrial park, for concurrence in the House Committee Substitute bill, upon third reading.

Without objection, the House Committee Substitute bill is taken up out of its regular order of business.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

H.B. 537 (Committee Substitute No. 2), a bill to allow Gaston County to acquire and otherwise make available property for use by the board of trustees of a community college within the county, changing the title, upon concurrence, to read **H.B. 537** (Senate Committee Substitute), a bill to allow Gaston and Greene Counties to acquire and otherwise make available property for use by the board of trustees of a community college within the county and to validate certain Greene County expenditures for a facility for joint community college and public school use, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 574 (Committee Substitute), a bill to incorporate the Town of Land Harbor, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 631 (Committee Substitute), a bill to allow individuals to contribute income tax refunds to the Highway Wildflower Fund.

Without objection, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Perdue, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (49–0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 90 (Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to authorize issuance of concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, and to make conforming statutory changes, changing the title, upon concurrence, to read **H.B. 90** (Senate Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to issue concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, to increase the penalty for carrying a concealed handgun without a permit, and to make conforming statutory changes, upon second reading.

With unanimous consent, on motion of Senator Odom, consideration of the Senate Committee Substitute bill No. 2 is postponed until Thursday, June 29.

H.B. 311 (Committee Substitute), a bill to make use of a counterfeit trademark a crime in North Carolina, changing the title, upon concurrence, to read **H.B. 311** (Senate Committee Substitute), a bill to make use of a counterfeit trademark a crime in North Carolina, and to modify the civil remedies available for fraudulent registration of a trademark and infringement of a trademark.

Senator Sherron offers Amendment No. 1 which is adopted (43–5).

Senator McDaniel offers Amendment No. 2.

Senator Cooper offers a motion the Senate Committee Substitute bill, as amended, with Amendment No. 2 pending, be recommitted to the **Judiciary I/ Constitution Committee**.

Senator Sherron, Chairman of the **Finance Committee**, requests a fiscal note on the Senate Committee Substitute bill, as amended. The Chair orders a fiscal note attached to the measure.

With unanimous consent, the motion of Senator Cooper prevails and the Senate Committee Substitute bill, as amended, is recommitted to the **Judiciary I/**

Constitution Committee with Amendment No. 2 pending for receipt of a fiscal note.

EXPLANATION OF VOTE

H.B. 12 (Senate Committee Substitute), a bill to amend the Constitution of North Carolina to provide for term limits for members of the General Assembly, to provide incentives for candidates for the General Assembly to limit their campaign expenditures, and to establish North Carolinians for Positive Campaigns and make related changes, which fails to pass second reading on June 27.

Pursuant to Rule 30 and the ruling of the Chair yesterday, June 27, Senator Webster rises and explains his vote.

CALENDAR (Continued)

H.B. 768, a bill to provide that the highway use tax trade-in allowance applies when two cars are exchanged for one another.

The bill passes its second (49–0) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 832 (Committee Substitute), a bill to clarify the meaning of critical habitat and to limit the designation of critical habitat by the Wildlife Resources Commission, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Senate Committee Substitute bill 1286, which changes the title, upon concurrence, to read **H.B. 832** (Senate Committee Substitute), a bill to clarify the role of the Wildlife Resources Commission in the protection of endangered and threatened wild animal species and wild animal species of special concern, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 29, for further consideration.

By Senator Plyler for the **Appropriations Committee**:

S.B. 116, a bill to amend the laws providing for the defense of State employees from tort claims arising in the scope or course of their employment, with a favorable report.

S.B. 955, a bill prohibiting the unauthorized use of wireless telecommunications services and establishing civil and criminal penalties for acts relating to such use, with a favorable report.

H.B. 844 (Committee Substitute), a bill to amend the vital records law, with a favorable report.

S.B. 135, a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended, and the proposed Committee Substitute bill 8672, which changes the title to read **S.B. 135** (Committee Substitute), a bill to appropriate federal block grant funds and to extend certain expiring provisions, is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 29, for further consideration.

S.B. 931, a bill to provide safeguards to reduce the chances and lessen the effects of workers' compensation self–insurance insolvencies and appropriate funds to implement this act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended, and the proposed Committee Substitute bill 7706 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for Thursday, June 29, for further consideration.

CALENDAR (Continued)

H.B. 774 (Committee Substitute), a bill to amend the Professional Corporation Act to allow collaborative practices between and among physicians and mid–level health care providers.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading (45–3).

Senator Rand objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, June 29, for further consideration upon third reading.

S.B. 1078, a bill to authorize local boards of education to have materials posted to educate students about the moral, ethical, and virtuous principles of the world's religions and the great philosophers of civilization, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1078** (House Committee Substitute), a bill to require the public schools to provide instruction in character education.

Following debate, Senator Odom calls the previous question.

Senator Basnight offers a motion, duly seconded, the Senate do now adjourn to reconvene tomorrow at 1:00 P.M., which motion prevails.

With a bill remaining on the Calendar, the Senate adjourns at 12:12 P.M. to meet tomorrow, Thursday, June 29, at 1:00 P.M.

NINETIETH DAY

SENATE CHAMBER,
Thursday, June 29, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"A much quoted passage of Scripture says, 'Be ye doers of the word and not hearers only.' We have taken Your Holy Communication to heart, O God. In an activist world we have become proficient doers, quite possibly though at the expense of listening much anymore.

"Robert Louis Stevenson wrote, 'All speech, written or spoken, is a dead language until it finds a willing and prepared hearer.' In the midst of the great activity of our day, grant us the grace to take the time to hear You and our neighbors, and not be doers only. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Smith for a doctor's appointment.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, June 28, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Charles B. Rich of Charlotte, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 339 (House Committee Substitute), an act to grant added powers to the Stanly Airport Authority related to constructing an industrial park. (Ch. 342)

S.B. 637 (Committee Substitute), an act to repeal the Hendersonville Firemen's Supplemental Retirement Fund. (Ch. 343)

S.B. 642, an act to update the fee structure of the North Carolina Board for Social Work. (Ch. 344)

S.B. 694 (Committee Substitute), an act to repeal the Goldsboro Firemen's Supplemental Pension Fund. (Ch. 345)

H.B. 437, an act to provide for the State of North Carolina to establish a State Veterans Home Program in the Division of Veterans Affairs of the Department of Administration. (Ch. 346)

H.B. 552, an act to close a loophole in the Minimum Housing Standards Act as it applies to large urban cities where the owner of substandard property can avoid orders to repair, remove, or demolish the unit by simply closing it. (Ch. 347)

H.B. 574 (Committee Substitute), an act to incorporate the Town of Land Harbor. (Ch. 348)

H.B. 768, an act to provide that the highway use tax trade-in allowance applies when two cars are exchanged for one another. (Ch. 349)

H.B. 1058, an act to make conforming changes to the tax law in light of federal law preempting State regulation of most motor freight carriers. (Ch. 350)

H.B. 473 (Senate Committee Substitute No. 2), an act to make procedural changes and technical corrections to the North Carolina Limited Liability Company Act, to allow retroactive indemnification of a manager or member of a limited liability company, to extend the usury exemption to limited liability companies and partnerships, to amend the Professional Corporation Act, and to make conforming changes to the real estate license law. (Ch. 351)

H.B. 496 (Senate Committee Substitute), an act to create an offense of assaulting a school bus driver and other school personnel boarding or on a school bus. (Ch. 352)

H.B. 762 (Senate Committee Substitute), an act to remove the requirement that depositions recorded by sound-and-visual means must be transcribed and to provide that, instead of a transcription, the recording may be reviewed by the deponent and may be used as the court's copy of the deposition. (Ch. 353)

H.B. 770 (Committee Substitute No. 2), an act to authorize the creation of county service districts for law enforcement services and to change the requirements for creation of districts covering the entire unincorporated area of a county. (Ch. 354)

H.B. 846, an act to provide that State legislative and congressional redistricting plans may not divide precincts unless a plan has been rejected under Section 5 of the Voting Rights Act of 1965, and if so rejected, only the minimum number of precincts are divided in a subsequent plan as are required to obtain approval. (Ch. 355)

H.B. 905 (Senate Committee Substitute), an act to clarify the civil remedies available for returned checks. (Ch. 356)

H.B. 923 (Committee Substitute), an act to provide that certain cities may allow pawnbrokers only with a special use permit. (Ch. 357)

COMMITTEE REFERRAL RECALL

S.J.R. 539, a joint resolution providing for confirmation of the appointments of Kathy A. Taft and Jane Norwood to membership on the State Board of Education,

reported with a favorable report, as amended, and recommitted to the **Education/Higher Education Committee** on May 4 with no action taken.

Pursuant to Rule 47(b), Senator Winner offers a motion the joint resolution be taken from the **Education/Higher Education Committee** and placed before the Senate for immediate consideration, which motions prevail with unanimous consent.

The Chair recalls the joint resolution from the **Education/Higher Education Committee** and places it before the Senate for immediate consideration.

On motion of Senator Winner, Committee Amendment No. 1, as recommended by the **Education/Higher Education Committee**, is adopted, changing the title to read **S.J.R. 539**, a joint resolution providing for confirmation of the appointments of Lowell Thomas, Kathy A. Taft and Jane Norwood to membership on the State Board of Education.

On motion of Senator Winner, the Chair orders the joint resolution, as amended, engrossed and recommitted to the **Education/Higher Education Committee**.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 353 (Senate Committee Substitute), a bill to implement the recommendations of the Governor's Task Force on Driving While Impaired, with an unfavorable report as to Senate Committee Substitute bill No. 1 as written by the **Judiciary I/Constitution Committee**, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, 3178, is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Friday, June 30, for further consideration.

By Senator Winner for the **Education/Higher Education Committee**:

H.B. 783, a bill to permit the issuance of certain permits on school property, with a favorable report.

H.B. 914 (Committee Substitute), a bill to modify the appointment and conditions of office of members of the Boards of Trustees of Community Colleges, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner, the rules are suspended, and the proposed Senate Committee Substitute bill 9159, which changes the title, upon concurrence, to read **H.B. 914** (Senate Committee Substitute), a bill to modify the appointment and conditions of office of members of the State Board of Community Colleges and Boards of Trustees of Community Colleges, is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Senate Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Friday, June 30, for further consideration.

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

H.B. 733, a bill to allow law-enforcement officers to take physical custody of juveniles sixteen and seventeen years of age who are beyond the disciplinary control of their parents and absent from home, with a favorable report.

H.B. 467, a bill to increase the criminal penalty for first degree sexual exploitation of a minor and to increase the criminal penalty for promoting prostitution of a minor, with a favorable report.

On motion of Senator Gulley, the bill is re-referred to the **Appropriations Committee**.

H.B. 17, a bill to return the food stamp fraud felony threshold to its pre-1991 limit, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted, which changes the title, upon concurrence, to read **H.B. 17**, a bill to lower the food stamp fraud felony threshold.

On motion of Senator Gulley, the Chair orders the bill, as amended, re-referred to the **Appropriations Committee**.

S.B. 769, a bill to make it a felony to commit an assault or an affray on an emergency medical services technician, emergency department nurse, or emergency department physician, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Committee Substitute bill 3676, which changes the title to read **S.B. 769** (Committee Substitute), a bill to make it a felony to commit an assault on emergency services personnel, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Committee Substitute bill is adopted, and on his further motion the Committee Substitute bill is re-referred to the **Appropriations Committee**.

H.B. 481, a bill to require parental or judicial consent for an unemancipated minor's abortion, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Senate Committee Substitute bill 4190, which changes the title, upon concurrence, to read **H.B. 481** (Senate Committee Substitute), a bill to require consent for an unemancipated minor's abortion, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, July 5, for further consideration.

By Senator Kerr for the **Finance Committee**:

S.B. 713, a bill to permit the County of Durham to collect payment of facilities fees in installments, with a favorable report.

H.B. 556 (Committee Substitute), a bill to enable joint municipal power agencies to effect corporate reorganization and to make technical changes to the statutes governing joint municipal power agencies, with a favorable report.

H.B. 667 (Committee Substitute), a bill to allow certain municipalities to use wheel locks on illegally parked vehicles, with a favorable report.

H.B. 997, a bill to add acquisition of land for landfills to the list of purposes for which local governments may issue special obligation bonds or obtain financing under the Solid Waste Management Loan Program, with a favorable report.

H.B. 1018, a bill to authorize local governments operating local confinement facilities to charge fees for nonemergency medical care provided to prisoners, with a favorable report.

S.B. 927 (Committee Substitute), a bill to provide that no permit is required for small landfills for the disposal of demolition debris, as written by the **Agriculture/ Environment/Natural Resources Committee**, with a favorable report, as amended.

H.B. 761 (Committee Substitute), a bill to provide for the licensure of foreign legal consultants and to authorize foreign legal consultants to engage in a limited practice of law in North Carolina, as amended upon the recommendation of the **Judiciary II/Election Laws Committee**, with a favorable report, as amended.

INTRODUCTION OF A RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Kerr, Soles, Speed, Simpson, Cochrane, Kincaid, Horton, and Perdue:

S.J.R. 1099, a joint resolution honoring the life and memory of Nancy Winbon Chase, former State Legislator.

Referred to **Rules and Operation of the Senate Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 426 (House Committee Substitute No. 2), a bill to amend the public records law, for concurrence in the House Committee Substitute bill No. 2, which is placed on the Calendar for tomorrow, Friday, June 30.

S.B. 437, a bill to repeal the sunset concerning government construction contracts, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 437** (House Committee Substitute), a bill to repeal the sunset concerning government construction contracts and to make related changes.

On motion of Senator Sherron, the House Committee Substitute bill is recommitted to the **Commerce Committee.**

S.B. 706, a bill to authorize Cabarrus County to establish an Aid to Families with Dependent Children (AFDC) and Food Stamp Workfare Pilot Program and an Adjunct Demonstration Program modifying the JOBS program, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Friday, June 30.

S.B. 943 (House Committee Substitute), a bill to address motor fuel tax evasion and to improve the administration of the motor fuel taxes by changing the point of taxation of gasoline and diesel fuel, to repeal the minimum highway use tax, and to strengthen the enforcement of the road tax paid by motor carriers, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Friday, June 30.

H.B. 5 (Committee Substitute No. 2), a bill to establish the Public Assistance Personal and Family Responsibility Act of 1995 and to reauthorize the Legislative Study Commission on Welfare Reform.

Referred to **Appropriations Committee**.

H.B. 168 (Committee Substitute No. 2), a bill to improve the enforcement of child support by creating additional remedies.

Referred to **Appropriations Committee**.

H.B. 694 (Committee Substitute No. 2), a bill to provide for private service of process in Wake County.

Referred to **Finance Committee**.

H.B. 913 (Committee Substitute), a bill to provide for prelitigation mediation of farm disputes regarding nuisance claims.

Referred to **Finance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 826 (Committee Substitute No. 2), a bill to provide for the licensing of soil scientists, ordered held in the Office of the Principal Clerk on June 27 pending referral to committee.

The Committee Substitute bill No. 2 is recalled from the office of the Principal Clerk and referred to the **Finance Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES
(Continued)

S.B. 858 (House Committee Substitute), a bill to clarify the law regarding contracts for school administrators, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Friday, June 30.

S.B. 1021, a bill to clarify that home health agencies are restricted to serving patients within their service area, to sunset this restriction in two years, and to require the Health Planning Commission to determine whether to recommend the restriction be continued, for concurrence in the House Committee Substitute bill,

which changes the title, upon concurrence, to read **S.B. 1021** (House Committee Substitute), a bill to clarify that home health agencies are restricted to serving patients within their service area.

On motion of Senator Cochrane, the rules are suspended, without objection, and the House Committee Substitute bill is placed on the Calendar for today, for consideration upon concurrence.

H.B. 228 (Committee Substitute), a bill to appropriate federal block grant funds and to extend certain expiring provisions, with one amendment unengrossed.

On motion of Senator Plyler, the rules are suspended, without objection, and the Committee Substitute bill is placed on the Calendar for today, for consideration upon its passage.

H.B. 1060 (Committee Substitute), a bill amending the General Statutes relating to the consolidation of cities and counties and consolidated city–county taxation and finance.

Referred to **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 661 House of Representatives
(Senate Committee Substitute) June 28, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute to **HB 661,** A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD OF FILLING A VACANCY ON THE HALIFAX COUNTY BOARD OF EDUCATION, which proposes to change the title, upon concurrence to read, **HB 661,** A BILL TO BE ENTITLED AN ACT TO FILL THE VACANCY ON THE HALIFAX COUNTY BOARD OF EDUCATION. The Speaker has appointed as conferees on the part of the House,

Representative Locke,
Representative Wilkins,
Representative Crawford, and
Representative Decker

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

EXECUTIVE ORDER

An Executive Order received (*See Appendix*) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 81, Creation of the Family Support Trust Fund.
Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

H.B. 228 (Committee Substitute), a bill to appropriate federal block grant funds and to extend certain expiring provisions, received upon a message from the House of Representatives earlier today and placed on today's Calendar.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is taken up out of its regular order of business.

The Committee Substitute bill passes its second (46–0) and third readings and is ordered enrolled.

A bill on the Calendar, carried forward as unfinished business from Wednesday, June 28, is taken up and disposed of, as follows:

S.B. 1078, a bill to authorize local boards of education to have materials posted to educate students about the moral, ethical, and virtuous principles of the world's religions and the great philosophers of civilization, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1078** (House Committee Substitute), a bill to require the public schools to provide instruction in character education.

The Senate fails to concur in the House Committee Substitute bill (19–28).

RECONSIDERATION

S.B. 598 (Committee Substitute), a bill to create fire districts in Scotland County, ordered sent to the House of Representatives on June 27.

Senator Plyler offers a motion to recall the Committee Substitute bill from the House of Representatives for further consideration, which motion prevails.

The Committee Substitute bill is presented to the Senate and Senator Plyler offers a motion that the rules be suspended and the Committee Substitute bill placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails.

Senator Plyler offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails and the question becomes passage of the Committee Substitute bill upon third reading.

Senator Plyler offers a further motion that the vote by which the Committee Substitute bill passed its second reading be reconsidered, which motion prevails and the question becomes passage of the Committee Substitute bill upon second reading.

The Chair rules the Committee Substitute bill requires a call of the roll pursuant to Article II, Sec. 23, of the Constitution.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue,

Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—41.

Voting in the negative: Senators Ballantine, Foxx, McDaniel, Page, and Webster—5.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, June 30, for further consideration upon third reading.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1078, a bill to authorize local boards of education to have materials posted to educate students about the moral, ethical, and virtuous principles of the world's religions and the great philosophers of civilization, changing the title, upon concurrence, to read **S.B. 1078** (House Committee Substitute), a bill to require the public schools to provide instruction in character education, with the Senate failing to concur earlier today.

Senator Odom offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

CALENDAR (Continued)

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 90 (Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to authorize issuance of concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, and to make conforming statutory changes, changing the title, upon concurrence, to read **H.B. 90** (Senate Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to issue concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, to increase the penalty for carrying a concealed handgun without a permit, and to make conforming statutory changes, upon second reading.

With unanimous consent, Senator Carrington is excused from voting for the stated reason "conflict of interest."

Senator Odom offers Amendment No. 1, rewriting the title and rewriting the Senate Committee Substitute bill No. 2 in its entirety.

Following debate, Senator Ballance offers Amendment No. 2, perfecting Amendment No. 1, which is adopted (45–1).

Senator Parnell offers Amendment No. 3, perfecting Amendment No. 1 which, with unanimous consent, he subsequently withdraws for corrections.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The Chair orders, without objection, the Senate Committee Substitute bill No. 2 temporarily displaced, with Amendment No. 1, as amended, pending.

S.B. 116, a bill to amend the laws providing for the defense of State employees from tort claims arising in the scope or course of their employment.

The bill passes its second (45–2) and third readings and is ordered sent to the House of Representatives.

S.B. 1021, a bill to clarify that home health agencies are restricted to serving patients within their service area, to sunset this restriction in two years, and to require the Health Planning Commission to determine whether to recommend the restriction be continued, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1021** (House Committee Substitute), a bill to clarify that home health agencies are restricted to serving patients within their service area, placed earlier today on today's Calendar for concurrence.

With unanimous consent, on motion of Senator Cochrane, the House Committee Substitute bill is taken up out of its regular order of business.

The Senate concurs in the House Committee Substitute bill (44–2) and the measure is ordered enrolled.

S.J.R. 515, a joint resolution honoring the life and memory of Franklin "Frank" W. Howey, Sr., of Union County, on today's Calendar.

With unanimous consent, on motion of Senator Plyler, the joint resolution is taken up out of its regular order of business and placed before the Senate for immediate consideration.

With unanimous consent, the Chair orders the joint resolution read in its entirety, as follows:

S.J.R. 515, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANKLIN "FRANK" W. HOWEY, SR., OF UNION COUNTY.

Whereas, Franklin "Frank" W. Howey, Sr., was born on August 31, 1932, to Roscoe Wyette Howey and Rebecca Penegar Howey; and

Whereas, Frank Howey, Sr., graduated from Mineral Springs High School in 1950, and attended the Agriculture Short Course at North Carolina State University; and

Whereas, after graduating from high school, Frank Howey, Sr., began to farm in Union County becoming the eighth generation farmer in his family; and

Whereas, Frank Howey, Sr., was married to Anna Lee P. Howey and was the father of Sarah Ann Howey Detroit, Sylvia Rebecca Howey Byrd, and Franklin "Frank" Wyette Howey, Jr.; and

Whereas, Frank Howey, Sr., was a member of numerous professional organizations including the Wesley Chapel Agri–business Club, the Union County Cattleman's Association, and the North Carolina Cattleman's Association; and

Whereas, Frank Howey, Sr., held many positions in several organizations, serving as an Executive Board Member of the North Carolina Soybean Association, as Director and Secretary/Treasurer of the Union County Farm Bureau, as Chair of the Union County Southern States Advisory Board, as Director of ASCS County Committee, and as a member of the Union County Chamber of Commerce; and

Whereas, Frank Howey, Sr., was concerned about the quality of education in his community and served as a member of the Union County School Board for 12 years, four of which he served as vice–chair, and served as past chair of the Union County School Board Policy, Land, and Budget Committees; and

Whereas, Frank Howey, Sr., was honored with the Meritorious Service Award from the Soybean Producers Association in 1994, an Advance Certificate of Achievement from the North Carolina School Board Association in 1987, a Vocational Plaque for Outstanding Service to Vocational Education in 1988, and a plaque for Outstanding Service to the Union County School Board in 1988; and

Whereas, Frank Howey, Sr., was active in the Central United Methodist Church in Monroe, serving as an administrative board member; and

Whereas, Frank Howey, Sr., served as associate trustee of the Pleasant Grove Campground and served on the Union County 4–H Advisory Board; and

Whereas, Frank Howey, Sr., was proud of the achievements of all of his children including that his son became the ninth generation farmer in their family; and

Whereas, Frank Howey, Jr., won the Young Farmer and Rancher Achievement Award sponsored by the American Farm Bureau Federation bringing great honor to the Town of Monroe and the State of North Carolina; and

Whereas, for several years, Frank Howey, Jr., has been active in the Young Farmer and Rancher program and recently was appointed as the Chair of the North Carolina Farm Bureau Young Farmer and Rancher Committee; and

Whereas, as Chair of the committee, Frank Howey, Jr., will serve a one–year term on the North Carolina Farm Bureau Board of Directors; and

Whereas, since 1990, Frank Howey, Jr., has served on the Board of Directors of the Union County Farm Bureau, was elected as treasurer in 1993, as vice–president in 1994, and as president in 1995, making his father proud; and

Whereas, Frank Howey, Sr., was a man devoted to his family, his profession, and his community; and

Whereas, Frank Howey, Sr., died on February 20, 1995, leaving his family to mourn his loss;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly honors the memory of Franklin "Frank" W. Howey, Sr., and expresses the gratitude and appreciation of this State and its citizens for his life.

Sec. 2. The General Assembly expresses its sympathy to the family and friends of Franklin "Frank" W. Howey, Sr., for the loss of a beloved family member and friend.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Franklin "Frank" W. Howey, Sr.

Sec. 4. This resolution is effective upon ratification.

On motion of Senator Sherron, the Chair appoints Senator Conder and Senator Plyler to escort Frank W. Howey, Jr. to the Well of the Senate. Senator Plyler presents Frank W. Howey, Jr. to the President *Pro Tempore* who recognizes him for remarks.

With unanimous consent on motion of Senator Conder, the introductory remarks of Senator Plyler and the memorializing remarks of Frank W. Howey, Jr., are spread upon the Journal, as follows:

By Senator Plyler:

Mr. President, ladies and gentlemen of the Senate. It is certainly a privilege and a pleasure for me to be here today with the family of Frank Howey, Sr., who was a great gentleman from Union County, a great North Carolinian, a great family person, and a great church man and a community man. I am privileged to introduce to you his son, Frank Howey, Jr., who just won recently the National Farmers and Ranchers Award. He brings great distinction to North Carolina from being in that position. It is my pleasure, again, to introduce for remarks Frank Howey, Jr.

By Mr. Howey:

It is indeed a pleasure to be invited here in the honoring of my father, Frank W. Howey, Sr. It is not easy to lose your father as well as your best friend. I think one of the things that is so great about being able to work in a family business, in this case, a farm, is that you get to enjoy all the good moments, and even the bad ones are good because you're so close. We worked side by side and he was my best teacher. All the education that I ever had was good, but he taught me the correct values in life. He taught me that a family was important. He taught me that hard work was important, at a very young age. And I got to see how he was honest in his dealings with others and his integrity with others. And I followed his example and it has helped me in my life, hopefully, be a better person. And he was a community leader, and it is very difficult to follow in his footsteps. We all miss him very much; it's hard to believe that he's gone. But I really appreciate the State Senate of North Carolina honoring him. He was one of the gentlemen, as well as there's many others, and women in this State that make this place a great place to live. Thank you. (The Senate responds with a standing ovation.)

Senator Plyler and Senator Conder escort Frank W. Howey, Jr. from the Chamber.

With unanimous consent, the joint resolution passes its second and third readings with members standing, and is ordered sent to the House of Representatives.

H.B. 90 (Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to authorize issuance of concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, and to make conforming statutory changes, changing the title, upon concurrence, to read **H.B. 90** (Senate Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to issue concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, to increase the penalty for carrying a concealed handgun without a permit, and to make conforming statutory changes, temporarily displaced earlier, with Amendment No. 1, as amended, pending.

Without objection, Senator Parnell resubmits Amendment No. 3 perfecting Amendment No. 1 which fails of adoption (9–37).

Senator Gulley offers Amendment No. 4 perfecting Amendment No. 1.

The Chair orders the Senate Committee Substitute bill No. 2 temporarily displaced, with Amendment No. 4 perfecting Amendment No. 1 pending to provide members copies of the pending amendment.

S.B. 135 (Committee Substitute), a bill to appropriate federal block grant funds and to extend certain expiring provisions.

On motion of Senator Rand, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 931 (Committee Substitute), a bill to provide safeguards to reduce the chances and lessen the effects of workers' compensation self–insurance insolvencies and appropriate funds to implement this act.

Senator Hoyle offers Amendment No. 1 which is adopted (48–0).

The Committee Substitute bill, as amended, passes its second (47–0) and third readings and is ordered engrossed and sent to the House of Representatives, without objection, by special messenger.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 637 (Committee Substitute), a bill to amend the law regarding products liability, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 4189, is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Friday, June 30, for further consideration.

CALENDAR (Continued)

S.B. 955, a bill prohibiting the unauthorized use of wireless telecommunications services and establishing civil and criminal penalties for acts relating to such use, as amended.

The bill, as amended, passes its second reading (49–0).

Senator Ballance objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Friday, June 30, for further consideration upon third reading.

H.B. 832 (Committee Substitute), a bill to clarify the meaning of critical habitat and to limit the designation of critical habitat by the Wildlife Resources Commission, changing the title, upon concurrence, to read **H.B. 832** (Senate Committee

Substitute), a bill to clarify the role of the Wildlife Resources Commission in the protection of endangered and threatened wild animal species and wild animal species of special concern.

The Senate Committee Substitute bill passes its second reading (48–1).

Senator Plyler objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Friday, June 30, for further consideration upon third reading.

H.B. 844 (Committee Substitute), a bill to amend the vital records law.

Senator Allran offers Amendment No. 1 which is adopted (49–0).

Senator Allran offers Amendment No. 2 which is adopted (49–0)

The Committee Substitute bill, as amended, passes its second (48–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 228 (Committee Substitute), an act to appropriate federal block grant funds and to extend certain expiring provisions. (Ch. 358)

CALENDAR (Continued)

S.B. 4 (House Committee Substitute), a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, on today's Calendar for concurrence in the House Committee Substitute bill, upon third reading.

With unanimous consent, on motion of Senator Albertson, the House Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the House Committee Substitute bill is postponed until Friday, June 30.

H.B. 280 (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen, as amended, upon third reading.

The Committee Substitute bill, as amended, fails to pass its third reading (22–27) and the measure lies upon the table.

H.B. 774 (Committee Substitute), a bill to amend the Professional Corporation Act to allow collaborative practices between and among physicians and mid–level health care providers, as amended, upon third reading.

Senator Rand offers Amendment No. 2. Following lengthy debate, Senator Hartsell calls the previous question, seconded by Senator Rand. The call is sustained. Amendment No. 2 is adopted (27–20).

The Committee Substitute bill, as amended, passes its third reading (39–8) and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2, without objection, by special messenger.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 661, a bill to change the method of filling a vacancy on the Halifax County Board of Education, changing the title, upon concurrence, to read **H.B. 661** (Senate Committee Substitute), a bill to fill the vacancy on the Halifax County Board of Education, with a message from the House of Representatives received earlier today requesting conferees.

Senator Ballance offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of Conferees under advisement.

CALENDAR (Continued)

H.B. 90 (Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to authorize issuance of concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, and to make conforming statutory changes, changing the title, upon concurrence, to read **H.B. 90** (Senate Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to issue concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, to increase the penalty for carrying a concealed handgun without a permit, and to make conforming statutory changes, upon second reading, temporarily displaced earlier with Amendment No. 4 perfecting Amendment No. 1 pending.

Amendment No. 4 perfecting Amendment No. 1 fails of adoption (12–34).

The question becomes the adoption of Amendment No. 1, as amended, which is adopted (37–9).

The Senate Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 38, noes 9, as follows:

Senator Carrington is excused from voting.

Senator Lucas announces a pair, as follows: Senator Smith "aye"; Senator Lucas "no."

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Clark, Cochrane, Conder, Cooper, Davis, East, Forrester, Foxx, Hartsell, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Martin of Pitt, McDaniel, McKoy, Odom, Page, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Simpson, Soles, Speed, Warren, and Webster—38.

Voting in the negative: Senators Ballance, Dannelly, Edwards, Gulley, Hobbs, Martin of Guilford, Parnell, Sherron, and Winner—9.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, June 30, for further consideration upon third reading.

S.B. 955, a bill prohibiting the unauthorized use of wireless telecommunications services and establishing civil and criminal penalties for acts relating to such use,

as amended, placed earlier today on the Calendar for Friday, June 30, upon third reading.

With unanimous consent, Senator Rand withdraws his objection to third reading, the Senate reconsiders and the bill, as amended, is taken from the Calendar for Friday, June 30, and placed before the Senate for further consideration upon third reading.

Senator Rand offers Amendment No. 2 which is adopted (47–0).

The bill, as amended, passes its third reading (47–0) and is ordered engrossed and sent to the House of Representatives.

RECONSIDERATION

H.B. 280 (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen and to prohibit the discharge of pyrotechnics within one hundred feet of woodlands, changing the title, upon concurrence, to read **H.B. 280** (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen, failing to pass its third reading, as amended, earlier today.

Senator Horton offers a motion that the vote by which the Committee Substitute bill, as amended, failed to pass its third reading, be reconsidered, and offers a further motion that the motion to reconsider do lie upon the table.

The motion to table the motion to reconsider fails for lack of a second.

POINT OF ORDER

Senator Simpson rises to a point of order inquiring as to the Rule directing the Sergeant-at-Arms to bar members from leaving the Chamber during the memorializing of an individual.

The Chair takes the point of order under advisement.

CALENDAR (Continued)

H.B. 832 (Committee Substitute), a bill to clarify the meaning of critical habitat and to limit the designation of critical habitat by the Wildlife Resources Commission, changing the title, upon concurrence, to read **H.B. 832** (Senate Committee Substitute), a bill to clarify the role of the Wildlife Resources Commission in the protection of endangered and threatened wild animal species and wild animal species of special concern, ordered placed on the Calendar for June 30 earlier today, upon third reading.

With unanimous consent, Senator Plyler withdraws his objection to third reading, the Senate reconsiders and the Senate Committee Substitute bill is taken from the Calendar for Friday, June 30, and placed before the Senate for further consideration upon third reading.

The Senate Committee Substitute bill passes its third reading (46–0) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill for concurrence which is read and disposed of, as follows:

S.B. 701, a bill to prohibit the State Board of Education from adopting or enforcing any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for students who are identified as learning disabled in the area of mathematics, and to direct the State Board of Education to suspend the application of this rule to these students, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Friday, June 30.

CALENDAR (Continued)

S.B. 135 (Committee Substitute), a bill to appropriate federal block grant funds and to extend certain expiring provisions, temporarily displaced earlier.

With unanimous consent, on motion of Senator Plyler, the Committee Substitute bill is recommitted to the **Appropriations Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1078, a bill to authorize local boards of education to have materials posted to educate students about the moral, ethical, and virtuous principles of the world's religions and the great philosophers of civilization, changing the title, upon concurrence, to read **S.B. 1078** (House Committee Substitute), a bill to require the public schools to provide instruction in character education, with the motion of Senator Odom prevailing earlier today the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Odom, Chairman, and Senators Plexico, Little, Cochrane, and Soles as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns at 5:26 P.M. in memory of Margaret Guy, wife of former Senator A. D. Guy of Onslow County, to meet tomorrow, Friday, June 30, at 9:00 A.M.

NINETY-FIRST DAY

SENATE CHAMBER,
Friday, June 30, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God, our Father, the witness of Holy Scripture is clear. Mediocrity is often nurtured when we play it safe. We sacrifice what we really believe in for what we can live with. So at those times when Your Call to us is clear and fire burns in our bones, give us the courage and conviction not to play it safe, but to risk everything. That's what faith in You is all about. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Edwards; to Senator Smith for a doctor's appointment; and to Senator Sawyer for a doctor's appointment.

Senator Conder, Majority Leader, announces the Journal of yesterday, Thursday, June 29, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Richard Martin of Salisbury, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 1021 (House Committee Substitute), an act to clarify that home health agencies are restricted to serving patients within their service area. (Ch. 359)

H.B. 994 (Senate Committee Substitute), an act to implement the recommendations of the Committee on Appropriations by changing various revenue statutes. (Ch. 360)

S.B. 341, an act to bring the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Local Governmental Employees' Retirement System, and the Legislative Retirement System into compliance with the Internal Revenue Code and to bring the Supplemental Retirement Income Plans for State and Local Law Enforcement Officers into compliance with the Uniformed Services Employment and Reemployment Rights Act. (Ch. 361)

S.B. 325, an act to allow the district attorney's designee or a special prosecutor to request that an investigative grand jury be convened to consider certain alleged violations of the North Carolina Controlled Substances Act. (Ch. 362)

H.B. 239 (Committee Substitute), an act to extend the authority of Currituck and Union Counties to acquire school property so that it applies beginning January 1, 1995. (Ch. 363)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 412, a bill to modify the law concerning the federal preemption of State usury laws, for concurrence in the House Committee Substitute bill, which proposes to change the title upon concurrence to read, **S.B. 412**, (House Committee Substitute), a bill to modify the law concerning the federal preemption of State usury laws and to raise the maximum late payment charge for revolving credit loans, which is placed on the Calendar for Wednesday, July 5.

S.B. 929 (House Committee Substitute), a bill to make various amendments to the North Carolina Rules of Civil Procedure regarding service of process and depositions in a foreign country and the determination of foreign law to be applied in certain civil actions, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Wednesday, July 5.

H.B. 422 (Committee Substitute No. 2), a bill to promote economic development by removing technical requirements for the formation of North Carolina Enterprise Corporations, authorizing the formation of nonprofit enterprise corporations, and prohibiting an enterprise corporation from investing in a business controlled by or related to a person who has invested in enterprise corporation.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report re-referred to the **Finance Committee.**

H.B. 779 (Committee Substitute), a bill to create the North Carolina Board of Employee Assistance Professionals and to provide for the licensing of employee assistance professionals.

Referred to **Finance Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1078
(House Committee Substitute)

House of Representatives
June 29, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **SB 1078**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION TO HAVE MATERIALS POSTED TO EDUCATE STUDENTS ABOUT THE MORAL, ETHICAL, AND VIRTUOUS PRINCIPLES OF THE WORLD'S RELIGIONS AND THE GREAT PHILOSOPHERS OF CIVILIZATION, which upon concurrence, proposes to change the title to read, **SB 1078**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE INSTRUCTION IN CHARACTER EDUCATION, the Speaker has appointed as conferees on the part of the House,

Representative Wood,
Representative Eddins,
Representative Cummings,
Representative Black, and
Representative Shubert

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 645
(Senate Committee Substitute)

House of Representatives
June 29, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to **HB 645**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL GOVERNMENTS MAY REGULATE THE POSSESSION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY AND THE POSSESSION OF ALCOHOLIC BEVERAGES ON PUBLIC STREETS, ALLEYS, OR PARKING LOTS WHICH ARE TEMPORARILY CLOSED TO REGULAR TRAFFIC FOR SPECIAL EVENTS, which upon concurrence, changes the title to read **HB 645**, A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE A LOCAL ACT PROVIDING THAT LOCAL GOVERNMENTS MAY REGULATE THE POSSESSION OF OPEN CONTAINERS OF MALT BEVERAGES AND UNFORTIFIED WINE ON PUBLIC PROPERTY AND THE POSSESSION OF MALT BEVERAGES AND UNFORTIFIED WINE ON PUBLIC STREETS, ALLEYS, OR PARKING LOTS WHICH ARE TEMPORARILY CLOSED TO REGULAR TRAFFIC FOR SPECIAL EVENTS, AND FURTHER DEFINING PUBLIC PROPERTY AND OPEN CONTAINER. The Speaker has ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

RECONSIDERATION

H.B. 280 (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen and to prohibit the discharge of pyrotechnics within one hundred feet of woodlands, changing the title upon concurrence, to read **H.B. 280** (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen, as amended, failing to pass its third reading on June 29.

Senator Horton offers a motion that the vote by which the Committee Substitute bill, as amended, failed to pass its third reading be reconsidered, and further offers a motion that the motion to reconsider do lie upon the table, seconded by Senator McDaniel.

Senator Odom rises to a point of order, pursuant to Rule 24(a), that no question may be reconsidered more than once, as Senator Horton offered the identical motion on June 29. The Chair rules the motion of June 29 was not entertained for lack of a second.

The motion to table the motion to reconsider, offered by Senator Horton, fails to prevail (13–31), and the question reverts to the motion to reconsider the vote by which the Committee Substitute bill, as amended, failed to pass its third reading.

The motion to reconsider, offered by Senator Horton prevails (36–11) and the question becomes passage of the Committee Substitute bill, as amended, upon third reading.

Senator Sherron offers a motion to re-refer the measure to the **Finance Committee.**

With unanimous consent, Senator Sherron subsequently withdraws the motion to re-refer the measure to the **Finance Committee.**

Pursuant to Rule 41.1, Senator Sherron, Co-Chairman of the **Finance Committee,** after conferring with Senator Plyler, Co-Chairman of the **Appropriations Committee,** offers a motion to re-refer the measure to the **Ways and Means Committee** and requests a fiscal note. The motion to re-refer the measure to the **Ways and Means Committee** prevails (25-22) and the Chair orders the Committee Substitute bill, as amended, re-referred to the **Ways and Means Committee.**

CALENDAR

S.B. 858 (House Committee Substitute), a bill to clarify the law regarding contracts for school administrators, for concurrence in the House Committee Substitute bill, on today's Calendar.

With unanimous consent, on motion of Senator Martin of Guilford, the House Committee Substitute bill is taken up out of its regular order of business and placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled.

H.B. 637 (Senate Committee Substitute), a bill to amend the law regarding products liability, on today's Calendar.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the Senate Committee Substitute bill is postponed until Wednesday, July 5.

S.B. 412, a bill to modify the law concerning the federal preemption of State usury laws, changing the title, upon concurrence, to read **S.B. 412,** (House Committee Substitute), a bill to modify the law concerning the federal preemption of State usury laws and to raise the maximum late payment charge for revolving credit loans, placed earlier today on the Calendar for Wednesday, July 5.

With unanimous consent, on motion of Senator Warren, the House Committee Substitute bill is taken from the Calendar for Wednesday, July 5, and placed on today's Calendar in its regular order of business.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee:**

S.B. 121, a bill to increase the Class A inheritance tax credit, to reduce the inheritance and gift tax rates for Class B and C beneficiaries, to conform North Carolina inheritance and gift tax provisions to federal estate and gift tax provisions regarding qualified terminable interest property, and to make other inheritance tax

changes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill 1752, which changes the title to read **S.B. 121** (Committee Substitute), a bill to revise the procedures for assessments of inheritance tax following a federal determination, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, July 5, for further consideration.

COMMITTEE REFERRAL RECALL

S.B. 437, a bill to repeal the sunset concerning government construction contracts, changing the title, upon concurrence, to read **S.B. 437** (House Committee Substitute), a bill to repeal the sunset concerning government construction contracts and to make related changes, referred to the **Commerce Committee** on Thursday, June 29.

Pursuant to Rule 47(b), Senator Parnell offers a motion the House Committee Substitute bill be taken from the **Commerce Committee** and placed before the Senate for immediate consideration, which motions prevail with unanimous consent.

The Chair recalls the House Committee Substitute bill from the **Commerce Committee** and places it before the Senate for immediate consideration for concurrence.

The Senate concurs in the House Committee Substitute bill (44–0), and the measure is ordered enrolled.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 706, a bill to authorize Cabarrus County to establish an Aid to Families with Dependent Children (AFDC) and Food Stamp Workfare Pilot Program and an Adjunct Demonstration Program modifying the JOBS program, on today's Calendar, for concurrence in House Amendment No. 1.

With unanimous consent, on motion of Senator Hartsell, the bill is taken up out of its regular order of business and placed before the Senate for immediate consideration.

The Senate concurs in House Amendment No. 1 (42–1) and the bill is ordered enrolled.

S.B. 598 (Committee Substitute), a bill to create fire districts in Scotland County, upon third reading.

The Committee Substitute bill passes its third reading by roll–call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, Forrester, Foxx, Gulley, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter,

Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Simpson, Speed, Warren, Webster, and Winner—41.

Voting in the negative: Senators Ballantine and East—2.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 713, a bill to permit the County of Durham to collect payment of facilities fees in installments, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Wednesday, July 5, for further consideration upon third reading.

H.B. 667 (Committee Substitute), a bill to allow certain municipalities to use wheel locks on illegally parked vehicles, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 40, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Webster—40.

Voting in the negative: Senators Ballance, Cooper, Horton, Kincaid, and Winner—5.

The Committee Substitute bill is ordered placed on the Calendar for Wednesday, July 5, for further consideration upon third reading.

H.B. 90 (Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to authorize issuance of concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, and to make conforming statutory changes, changing the title, upon concurrence, to read **H.B. 90** (Senate Committee Substitute No. 2), a bill to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to issue concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, to increase the penalty for carrying a concealed handgun without a permit, and to make conforming statutory changes, as amended, upon third reading.

With unanimous consent, Senator Carrington is excused from voting on the measure for the stated reason "conflict of interest."

The Senate Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 36, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Clark, Cochrane, Conder, Cooper, Davis, East, Forrester, Foxx, Hartsell, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Martin of Pitt, McDaniel, McKoy, Odom, Page, Perdue, Plexico, Plyler, Rand, Shaw, Simpson, Speed, Warren, and Webster—36.

Voting in the negative: Senators Ballance, Dannelly, Gulley, Hobbs, Lucas, Martin of Guilford, Parnell, Sherron, and Winner—9.

The Senate Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Appropriations Committee**:

H.B. 895 (Committee Substitute), a bill to provide notice of federal mandates by requiring the certification of proposed legislation and rules purported to be required by federal law, to provide for review by the Governor of administrative rules that would increase or decrease expenditures or revenues of units of local government, to amend the Local Government Fiscal Information Act to require the preparation of fiscal notes for certain proposed legislation, and to provide for the compilation of the costs of federal mandates on the expenditures and revenues of State government and local governments, as amended upon the recommendation of the **Rules and Operation of the Senate Committee**, with a favorable report.

Without objection, the Chair orders the measure placed on the Calendar for Wednesday, July 5, for consideration.

S.B. 35 (Committee Substitute), a bill to establish the 1995 North Carolina Partnership for Independence Act, with an unfavorable report as to Committee Substitute bill No. 1, as written by the **Children and Human Resources Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill No. 2, 7707, is placed before the Senate for immediate consideration, and on her further motion is adopted.

On motion of Senator Perdue, the Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, July 5, for further consideration.

S.B. 973 (Committee Substitute), a bill to create the North Carolina workers' compensation loss costs rating law, with an unfavorable report as to Committee Substitute bill No. 1, as written by the **Pensions and Retirement/Insurance/State Personnel Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill No. 2, 9650, is placed before the Senate for immediate consideration, and on her further motion is adopted.

On motion of Senator Perdue, the Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, July 5, for further consideration.

CALENDAR (Continued)

H.B. 556 (Committee Substitute), a bill to enable joint municipal power agencies to effect corporate reorganization and to make technical changes to the statutes governing joint municipal power agencies, upon second reading.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 761 (Committee Substitute), a bill to provide for the licensure of foreign legal consultants and to authorize foreign legal consultants to engage in a limited practice of law in North Carolina, as amended upon the recommendation of the **Judiciary II/Election Laws Committee**, upon second reading.

On motion of Senator Kerr, **Finance Committee** Amendments No. 2 and No. 3 are adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—43.

Voting in the negative: Senators Ballantine and Clark—2.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Wednesday, July 5, for further consideration upon third reading.

H.B. 556 (Committee Substitute), a bill to enable joint municipal power agencies to effect corporate reorganization and to make technical changes to the statutes governing joint municipal power agencies, upon second reading, temporarily displaced earlier.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Wednesday, July 5, for further consideration upon third reading.

H.B. 997, a bill to add acquisition of land for landfills to the list of purposes for which local governments may issue special obligation bonds or obtain financing under the Solid Waste Management Loan Program, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little,

Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—40.

Voting in the negative: Senators Ballantine and Webster—2.

The bill is ordered placed on the Calendar for Wednesday, July 5, for further consideration upon third reading.

H.B. 1018, a bill to authorize local governments operating local confinement facilities to charge fees for nonemergency medical care provided to prisoners, upon second reading.

The bill passes its second reading by roll–call vote, ayes 41, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Speed, Warren, Webster, and Winner—41.

Voting in the negative: Senators Ballance, Clark, and Ledbetter—3.

The bill is ordered placed on the Calendar for Wednesday, July 5, for further consideration upon third reading.

S.B. 927 (Committee Substitute), a bill to provide that no permit is required for small landfills for the disposal of demolition debris.

On motion of Senator Kerr, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second reading (44–2).

Senator Odom objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Wednesday, July 5, for further consideration upon third reading.

H.B. 353 (Senate Committee Substitute No. 2), a bill to implement the recommendations of the Governor's Task Force on Driving While Impaired.

Without objection, on motion of Senator Odom, the rules are suspended to allow Walker Reagan of the General Research Division privileges of the floor to assist with explanation of the Senate Committee Substitute bill No. 2.

The Chair rules the Senate Committee Substitute bill No. 2, as written by the **Judiciary I/Constitution Committee**, a substitute amendment for the pending Amendment No. 3 to the Senate Committee Substitute bill No. 1, recommitted to the **Judiciary I/Constitution Committee** on June 22.

Following debate, Senator Cooper calls the previous question, seconded by Senator Odom. The call is sustained.

With unanimous consent, the Chair grants leaves of absence to Senator Parnell and Senator Sherron for the remainder of today's Session.

The Senate Committee Substitute bill No. 2 passes its second reading (38–5).

Senator Shaw objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Wednesday, July 5, for further consideration upon third reading.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

H.B. 733, a bill to allow law-enforcement officers to take physical custody of juveniles sixteen and seventeen years of age who are beyond the disciplinary control of their parents and absent from home.

With unanimous consent, on motion of Senator Gulley, consideration of the bill is postponed until Wednesday, July 5.

H.B. 914 (Committee Substitute), a bill to modify the appointment and conditions of office of members of the Boards of Trustees of Community Colleges, changing the title, upon concurrence, to read **H.B. 914** (Senate Committee Substitute), a bill to modify the appointment and conditions of office of members of the State Board of Community Colleges and Boards of Trustees of Community Colleges, on today's Calendar.

With unanimous consent, on motion of Senator Winner, the Senate Committee Substitute bill is taken up out of its regular order of business, and on her further motion, consideration of the Senate Committee Substitute bill is postponed until Thursday, July 6.

S.B. 4 (House Committee Substitute), a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, for concurrence in the House Committee Substitute bill, on today's Calendar upon third reading.

With unanimous consent, on motion of Senator Albertson, the House Committee Substitute bill is taken up out of its regular order of business, and on his further motion, consideration of the House Committee Substitute bill is postponed until Thursday, July 6.

H.B. 783, a bill to permit the issuance of certain permits on school property.

The bill passes its second (30–11) and third readings and is ordered enrolled.

H.B. 85 (Committee Substitute), a bill to provide that nonprofit barber schools have one instructor for every twenty students, as amended, upon third reading.

Senator Rand offers Amendment No. 2 which is adopted (41–1).

The Committee Substitute bill, as amended, passes its third reading (42–1) and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 661, a bill to change the method of filling a vacancy on the Halifax County Board of Education, changing the title, upon concurrence, to read **H.B. 661** (Senate Committee Substitute), a bill to fill the vacancy on the Halifax County Board of Education, with the motion of Senator Ballance prevailing on June 29, that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Ballance, Chairman, and Senators Cooper, Jordan, and Carrington, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 426 (House Committee Substitute No. 2), a bill to amend the public records law, for concurrence in the House Committee Substitute No. 2, upon second reading.

The Chair rules the measure does not require a call of the roll pursuant to Article II, Sec. 23 of the Constitution.

Following debate, with unanimous consent, on motion of Senator Cooper, further consideration of the House Committee Substitute bill No. 2 is postponed until Wednesday, July 5.

S.B. 943 (House Committee Substitute), a bill to address motor fuel tax evasion and to improve the administration of the motor fuel taxes by changing the point of taxation of gasoline and diesel fuel, to repeal the minimum highway use tax, and to strengthen the enforcement of the road tax paid by motor carriers, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Perdue, Plexico, Plyler, Rand, Shaw, Simpson, Soles, Speed, Warren, Webster, and Winner—44.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Wednesday, July 5, for further consideration upon third reading.

S.B. 927 (Committee Substitute), a bill to provide that no permit is required for small landfills for the disposal of demolition debris, as amended, placed earlier today on the Calendar for Wednesday, July 5, upon third reading.

With unanimous consent, Senator Odom withdraws his objection to third reading, the Senate reconsiders and the Committee Substitute bill, as amended, is taken from the Calendar for July 5 and placed on today's Calendar for further consideration upon third reading, as the last order of business.

S.B. 412, a bill to modify the law concerning the federal preemption of State usury laws, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 412**, (House Committee Substitute), a bill to modify the law concerning the federal preemption of State usury laws and to raise the maximum late payment charge for revolving credit loans, placed earlier today on the Calendar for concurrence.

On motion of Senator Warren, further consideration of the House Committee Substitute bill is postponed until Wednesday, July 5.

S.B. 701, a bill to prohibit the State Board of Education from adopting or enforcing any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for students who are identified as learning disabled in the area of mathematics, and to direct the State Board of Education to suspend

the application of this rule to these students, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (39–5) and the bill is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence and bills which are read the first time and disposed of, as follows:

S.B. 26 (Committee Substitute), a bill to enable local boards of education to expel from school those students whose continued presence in school constitutes a clear threat to the safety and health of other students or employees, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 26** (House Committee Substitute No. 2), a bill to enable local boards of education to expel from school those students whose continued presence in school constitutes a clear threat to the safety of other students or employees, which is placed on the Calendar for Wednesday, July 5.

S.B. 166 (House Committee Substitute), a bill to amend certain provisions of law that regulate attorneys–at–law, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Wednesday, July 5.

S.B. 320 (House Committee Substitute), a bill to be known as the North Carolina Uniform Custodial Trust Act and to make conforming amendments to the power of attorney statutes, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Wednesday, July 5.

H.B. 479 (Committee Substitute), a bill to require the State to elect the optional aid to families with dependent children (AFDC) fraud control program and to provide for incentives and automation for AFDC fraud collection.

Referred to **Children and Human Resources Committee**, and upon a favorable report re–referred to **Appropriations Committee**.

H.B. 836 (Committee Substitute No. 2), a bill to expedite the environmental permitting process by allowing the option of submitting permit applications certified by a professional engineer and allowing these applications to be immediately sent to public notice and hearing and subjected to simultaneous technical review, and to increase the maximum amount of the fee that the Environmental Management Commission may assess for processing an application for a permit under the water and air quality programs.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re–referred to the **Finance Committee**.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

CALENDAR (Continued)

S.B. 927 (Committee Substitute), a bill to provide that no permit is required for small landfills for the disposal of demolition debris, as amended, upon third reading, placed earlier today on the Calendar as the last order of business.

Senator Simpson offers Amendment No. 3 which he subsequently withdraws to make corrections. With unanimous consent, Senator Simpson resubmits Amendment No. 3 which is adopted (43–0).

The Committee Substitute bill, as amended, passes its third reading (42–0) and is ordered engrossed and sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 563 (Committee Substitute), an act to annex certain described property into the corporate limits of the Town of Cornelius and to clarify the zoning jurisdiction of the Town of Huntersville. (Ch. 364)

S.B. 704, an act to redefine the boundaries of the West End Fire Protection District in Moore County. (Ch. 365)

H.B. 645 (Senate Committee Substitute), an act to make Statewide a local act providing that local governments may regulate the possession of open containers of malt beverages and unfortified wine on public property and the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, and further defining public property and open container. (Ch. 366)

S.B. 437 (House Committee Substitute), an act to repeal the sunset concerning government construction contracts and to make related changes. (Ch. 367)

S.B. 706, an act to authorize Cabarrus County to establish an Aid to Families with Dependent Children (AFDC) and Food Stamp Workfare Pilot Program and an Adjunct Demonstration Program modifying the JOBS program. (Ch. 368)

S.B. 858 (Committee Substitute), an act to clarify the law regarding contracts for school administrators. (Ch. 369)

H.B. 142 (Committee Substitute), an act to make technical changes relating to the repeal of the intangibles tax and to other tax laws. (Ch. 370)

CONFERENCE REPORT

S.B. 56 (House Committee Substitute)

Senator Plyler, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 56** (House Committee Substitute), a bill to repeal antiquated, obsolete, or unconstitutional laws, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 56, A BILL TO BE ENTITLED AN ACT TO REPEAL ANTIQUATED, OBSOLETE, OR UNCONSTITUTIONAL LAWS, Fourth Edition Engrossed 5/17/95, submit the following report:

The Senate concurs in the House Committee Substitute, Fourth Edition Engrossed 5/17/95 with the following amendment:

On page 11, lines 22 through 24, rewrite those lines to read:

"AMEND 1937 LAW ALLOWING MOTOR VEHICLES TO USE ACETYLENE HEADLAMPS

Sec. 18.1. G.S. 20–132 reads as rewritten:

'§ **20–132. Acetylene lights.**

Motor Vehicles eligible for a Historic Vehicle Owner special registration plate under G.S. 20–79.4 may be equipped with two acetylene headlamps of approximately equal candlepower when equipped with clear plane–glass fronts, bright six–inch spherical mirrors, and standard acetylene five–eights foot burners not more and not less and which do not project a glaring or dazzling light into the eyes of approaching drivers.'"

The House agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 30, 1995.

S/Aaron W. Plyler	S/N. Leo Daughtry
S/Anthony E. Rand	S/Larry T. Justus
S/Fletcher L. Hartsell, Jr.	S/William T. Culpepper III
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Plyler, the Conference Report is adopted (40–1), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Basnight, seconded by Senator Page, the Senate adjourns at 11:54 A.M. to meet Tuesday, July 4, at 6:00 P.M.

NINETY-SECOND DAY

SENATE CHAMBER,
Tuesday, July 4, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, quoting Abraham Lincoln, as follows:

"Gracious God, on this day that we celebrate our nation's independence, let us also recommit ourselves to the vision of our founding fathers and mothers.

> With malice toward none; with charity for all; with firmness in the right, as You, O God, give us to see the right. Let us strive on to finish the work we are in: to bind up the nation's wounds; to care for those who shall have borne the battle, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

"We pray with deep gratitude for Your rich blessings. Amen."

Led by the President *Pro Tempore*, the Senators and all of those present remain standing and pledge allegiance to the United States of America.

With unanimous consent, the President *Pro Tempore* grants leaves of absence for tonight to Senator Blackmon and Senator Winner.

Senator Conder, Majority Leader, announces the Journal of Friday, June 30, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President *Pro Tempore* grants a leave of absence for the remainder of tonight's session to Senator Martin of Pitt.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence in amendments adopted by the House of Representatives which are read and disposed of, as follows:

S.B. 200 (Committee Substitute), a bill to provide for civil penalties for violations of the Gasoline and Oil Inspection Law, the meat inspection law, and the animal welfare and animal health laws, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 200** (House Committee Substitute), a bill to amend Article 2 of Chapter 119 of the General Statutes regarding the regulation of rerefined or reprocessed oil, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 56.1.

S.B. 242 (Committee Substitute), a bill to amend the North Carolina Nonprofit Corporation Act and to make a conforming amendment to the Business

Corporation Act, as recommended by the General Statutes Commission, for concurrence in House Amendment No. 1, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 56.1.

S.B. 243 (Committee Substitute), a bill to amend the law regarding the power of a personal representative to settle claims for wrongful death, as recommended by the General Statutes Commission, for concurrence in House Amendment No. 1, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 56.1.

S.B. 357, a bill to exempt the Department of Transportation from the requirement of making quarterly reports of mileage of State vehicles assigned to the Department and to allow assignments of vehicles to the Department to be revoked only when the Department consents, for concurrence in House Amendment No. 1, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 56.1.

S.B. 423, a bill to establish a State Vocational Rehabilitation/Independent Living Program for People With Disabilities, for concurrence in House Amendment No. 1, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 56.1.

S.B. 559 (Committee Substitute), a bill to provide that acceptance of rent by a housing authority is not a waiver of default and to authorize housing authorities to govern entry upon housing authority property by guests and visitors, for concurrence in House Amendments No. 1, No. 2, and No. 3, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 56.1.

S.B. 653 (House Committee Substitute), a bill to make technical and other changes to the Medical Practice Act, for concurrence in the House Committee Substitute bill, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 56.1.

S.B. 751, a bill to provide that treatment or services rendered by certified fee-based practicing pastoral counselors shall be reimbursable under the State Health Plan and other health insurance policies under certain circumstances, for concurrence in House Amendments No. 1 and No. 2, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 56.1.

S.B. 865 (House Committee Substitute), a bill to amend the State laws regarding the purchase of a handgun to conform to the requirements of the "Brady Handgun Violence Prevention Act," for concurrence in the House Committee Substitute bill, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 56.1.

S.B. 896 (House Committee Substitute), a bill to enhance the investigative capabilities of law enforcement in cases of drug trafficking and other serious crimes by permitting the use of electronic surveillance in limited circumstances, for concurrence in the House Committee Substitute bill, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 56.1.

S.B. 899, a bill to provide that certain financial institutions' records are confidential, for concurrence in House Amendment No. 1, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 56.1.

S.B. 987, a bill to create the felony offense of continuing criminal enterprise with regard to criminal offenses that are not drug offenses, and to provide that failure of an itinerant merchant to keep a receipt or invoice with certain information indicating the source of the merchant's products and to show the receipt or invoice to a law enforcement officer upon request is *prima facie* evidence that the products are stolen, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 987** (House Committee Substitute No. 2), a bill to create the felony offense of continuing criminal enterprise with regard to criminal offenses that are not drug offenses, to provide that failure of certain merchants to produce a record or affidavit with certain information indicating the source of the merchant's products and to show the record or affidavit to a law enforcement officer upon request is *prima facie* evidence that the products are stolen and to make other changes.

On motion of Senator Rand, the rules are suspended, without objection, and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill No. 2 (43–0) and the measure is ordered enrolled.

S.B. 990, a bill to provide for more effective administrative permit review under the Coastal Area Management Act, for concurrence in House Amendment No. 1, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 56.1.

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 230 (Committee Substitute), a bill to appropriate funds to provide expansion expenditures and capital improvements for State departments, institutions, and agencies, and for other purposes, with the Report on Expansion Budget/Capital Budget dated June 29, 1995, attached.

Referred to **Appropriations Committee** and upon a favorable report, re-referred to the **Pensions and Retirement/Insurance/State Personnel Committee.**

H.B. 1052 (Committee Substitute), a bill to require recipients of Aid to Families with Dependent Children (AFDC) to participate in employment/workfare and to appropriate funds, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

RECALL

S.R. 1098, a Senate simple resolution recognizing the One Hundredth Anniversary of Spencer Shops, ordered held in the Office of the Principal Clerk on June 26.

Senator Rand offers a motion the Senate simple resolution be recalled from the Office of the Principal Clerk and placed on the Calendar for Wednesday, July 5, for consideration, which motions prevail with unanimous consent.

The Chair orders the Senate simple resolution recalled from the Office of the Principal Clerk and places it on the Calendar for Wednesday, July 5, for adoption.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

The North Carolina Conference of District Attorneys in cooperation with the Administrative Office of the Courts submits a Report on the Use of Deferred Prosecution Programs in North Carolina as requested by the General Assembly during the 1994 Extra Session (1993 Session Laws, Extra Session 1994, Chapter 24, Section 38).

PAGES

The President *Pro Tempore* recognizes the following pages serving in the Senate this week:

Aaron Berns, Youngsville; Takeya D. Blount, Swan Quarter; Martie Bruner, Raleigh; Byron Wight Cherry, Durham; Mark Williams Cummings, Raleigh; Jewelyn Luan Dunn, Raleigh; Evelyn M. Harwood, Davidson; William Holden Hendricks, Kings Mountain; Susan Herndon, Apex; Leland Hicks, Cary; Tracy R. Holloway, Belhaven; Kimberly Ann Hoover, Cary; Miller McCord Jones, Matthews; Melanie Kristen Keith, Wake Forest; Matthew Sterrett Leddicotte, Raleigh; Michael Anthony Muniz, Raleigh; Forrest Oliphant, Hendersonville; Jana Diane Pearson, Wake Forest; Kyle Townsend Phillips, Chadbourn; Samuel J. Rose, Durham; Danielle Sizemore, Raleigh; Micheal Chadwick Smith, Hudson; Jacqueline Blair Williams, Raleigh; Terrence Williams, Whiteville; Ashleigh York, Cary; and William Andrew Youngblood, Raleigh.

On motion of Senator Conder, seconded by Senator Sherron, the Senate adjourns at 6:26 P.M. to meet tomorrow, Wednesday, July 5, at 3:00 P.M.

NINETY-THIRD DAY

SENATE CHAMBER,
Wednesday, July 5, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father, what we sometimes ask of You when we pray is that two and two not make four. That's why we have lived to thank You that all of our prayers have not been answered!

"But in the case of the Senate's conference committee, charged with the difficult responsibility of hammering out the State's budget, we pray that their arithmetic will add up correctly. As they negotiate, measure out to them needed amounts of both toughmindedness and compassion, so that in the end we shall be able to thank You for a just conclusion and answered prayers. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, July 4, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. George Podgorny of Winston–Salem, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 701, an act to prohibit the State Board of Education from adopting or enforcing any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for students who are identified as learning disabled in the area of mathematics, and to direct the State Board of Education to suspend the application of this rule to these students. (Ch. 371)

H.B. 783, an act to permit the issuance of certain permits on school property. (Ch. 372)

S.B. 223 (Committee Substitute No. 2), an act to authorize criminal record checks of public school employees. (Ch. 373)

S.B. 530, an act to provide that the county publish a notice of a road closure hearing rather than publishing the full road closure resolution as currently required by law. (Ch. 374)

S.B. 597, an act to provide that a defendant who is convicted of a drug trafficking conspiracy is not eligible for intermediate sanctions under the structured sentencing act. (Ch. 375)

H.B. 63 (Senate Committee Substitute), an act to provide for a specialty license for transport refrigeration contractors, to change the composition of the licensing board, and to amend other provisions of the law governing refrigeration contractors. (Ch. 376)

S.B. 1012 (Committee Substitute), an act to improve the regulation of petroleum underground storage tanks and the cleanup of leaking petroleum underground storage tanks. (Ch. 377)

S.B. 987 (House Committee Substitute No. 2), an act to create the felony offense of continuing criminal enterprise with regard to criminal offenses that are not

drug offenses, to provide that failure of certain merchants to produce a record or affidavit with certain information indicating the source of the merchant's products and to show the record or affidavit to a law enforcement officer upon request is *prima facie* evidence that the products are stolen and to make other changes. (Ch. 378)

CALENDAR

Bills and a resolution on the Calendar are taken up and disposed of, as follows:

S.B. 713, a bill to permit the County of Durham to collect payment of facilities fees in installments, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: Senator Clark—1.

The bill is ordered sent to the House of Representatives.

H.B. 667 (Committee Substitute), a bill to allow certain municipalities to use wheel locks on illegally parked vehicles, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Webster—43.

Voting in the negative: Senators Ballance, Cooper, Kincaid, and Winner—4.

The Committee Substitute bill is ordered enrolled.

H.B. 556 (Committee Substitute), a bill to enable joint municipal power agencies to effect corporate reorganization and to make technical changes to the statutes governing joint municipal power agencies, upon third reading.

Senator Sherron offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 761 (Committee Substitute), a bill to provide for the licensure of foreign legal consultants and to authorize foreign legal consultants to engage in a limited practice of law in North Carolina, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—42.

Voting in the negative: Senators Ballance, Ballantine, Carrington, Clark, and Page—5.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

H.B. 997, a bill to add acquisition of land for landfills to the list of purposes for which local governments may issue special obligation bonds or obtain financing under the Solid Waste Management Loan Program, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—43.

Voting in the negative: Senators Ballantine, Carrington, Foxx, and Webster—4.

The bill is ordered enrolled.

H.B. 1018, a bill to authorize local governments operating local confinement facilities to charge fees for nonemergency medical care provided to prisoners, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: Senators Ballance and Clark—2.

The bill is ordered enrolled.

S.B. 121 (Committee Substitute), a bill to revise the procedures for assessments of inheritance tax following a federal determination, upon second reading.

Senator Kerr offers Amendment No. 1, held to be material, which is adopted (46-1), constituting first reading of the measure.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 6, for further consideration upon second reading.

S.B. 35 (Committee Substitute No. 2), a bill to establish the 1995 North Carolina Partnership for Independence Act.

Senator Martin of Guilford offers Amendment No. 1 which, following debate, he withdraws, with unanimous consent. Senator Martin of Guilford subsequently resubmits Amendment No. 1 which is adopted (41–8).

Senator Ballance offers Amendment No. 2 which he subsequently withdraws, with unanimous consent.

Senator Cochrane offers Amendment No. 3.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Without objection, on motion of Senator Martin of Guilford, further consideration of the Committee Substitute bill No. 2, as amended, with Amendment No. 3 pending, is placed as a special order of business on the Calendar for tomorrow, Thursday, July 6.

S.B. 973 (Committee Substitute No. 2), a bill to create the North Carolina workers' compensation loss costs rating law.

The Committee Substitute bill No. 2 passes its second (50–0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 311 (Senate Committee Substitute), a bill to make use of a counterfeit trademark a crime in North Carolina, and to modify the civil remedies available for fraudulent registration of a trademark and infringement of a trademark, with an unfavorable report as to Senate Committee Substitute bill No. 1 as written by the **Judiciary I/Constitution Committee**, as amended, with Amendment No. 2 pending, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, 9155, is placed before the Senate for immediate consideration, and on his further motion is adopted (45–1).

On motion of Senator Cooper, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Thursday, July 6, for further consideration.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

CALENDAR (Continued)

H.B. 637 (Senate Committee Substitute), a bill to amend the law regarding products liability, on today's Calendar.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion is recommitted to the **Judiciary I/Constitution Committee**.

COMMITTEE REFERRAL RECALL

H.B. 422 (Committee Substitute No. 2), a bill to promote economic development by removing technical requirements for the formation of North Carolina Enterprise Corporations, authorizing the formation of nonprofit enterprise corporations, and prohibiting an enterprise corporation from investing in a business controlled by or related to a person who has invested in enterprise corporation, referred to **Judiciary II/Election Laws Committee** on June 30.

Pursuant to Rule 47(b), Senator Gulley offers a motion the Committee Substitute bill No. 2 be taken from the **Judiciary II/Election Laws Committee** and re-referred to the **Finance Committee,** which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 recalled from the **Judiciary II/Election Laws Committee** and refers the measure to the **Finance Committee.**

H.B. 233, a bill to transfer Moore County to Judicial and Prosecutorial Districts 19B, referred to the **Judiciary II/Election Laws Committee** on March 21.

Pursuant to Rule 47(b), Senator Gulley offers a motion the bill be taken from the **Judiciary II/Election Laws Committee** and re-referred to the **Appropriations Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Judiciary II/Election Laws Committee** and refers the measure to the **Appropriations Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 976, a bill to increase the fee paid to agents of the Wildlife Resources Commission to issue certificates of boat number and to amend the duties of the Wildlife Resources Commission with regard to the appointment of agents for the issuance of boat numbers, with a favorable report.

H.B. 826 (Committee Substitute No. 2), a bill to provide for the licensing of soil scientists, with a favorable report.

H.B. 1060 (Committee Substitute), a bill amending the General Statutes relating to the consolidation of cities and counties and consolidated city-county taxation and finance, with a favorable report, as amended.

With unanimous consent, the Senate recesses at 4:36 P.M. for the purpose of an **Appropriations Committee** meeting to reconvene at 4:55 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 56
(House Committee Substitute)

House of Representatives
July 5, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 56,** A BILL TO BE ENTITLED AN ACT TO REPEAL ANTIQUATED, OBSOLETE, OR UNCONSTITUTIONAL LAWS. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Bills received from the House of Representatives on July 4 and ordered held in the Office of the Principal Clerk pending referral by the Chairman of the **Rules and Operation of the Senate Committee** pursuant to Rule 56.1 are ordered placed on the Calendar for tomorrow, Thursday, July 6, as follows:

S.B. 200 (Committee Substitute), a bill to provide for civil penalties for violations of the Gasoline and Oil Inspection Law, the meat inspection law, and the animal welfare and animal health laws, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 200** (House Committee Substitute), a bill to amend Article 2 of Chapter 119 of the General Statutes regarding the regulation of rerefined or reprocessed oil.

S.B. 242 (Committee Substitute), a bill to amend the North Carolina Nonprofit Corporation Act and to make a conforming amendment to the Business Corporation Act, as recommended by the General Statutes Commission, for concurrence in House Amendment No. 1.

S.B. 243 (Committee Substitute), a bill to amend the law regarding the power of a personal representative to settle claims for wrongful death, as recommended by the General Statutes Commission, for concurrence in House Amendment No. 1.

S.B. 357, a bill to exempt the Department of Transportation from the requirement of making quarterly reports of mileage of State vehicles assigned to the Department and to allow assignments of vehicles to the Department to be revoked only when the Department consents, for concurrence in House Amendment No. 1.

S.B. 423, a bill to establish a State Vocational Rehabilitation/Independent Living Program for People With Disabilities, for concurrence in House Amendment No. 1.

S.B. 559 (Committee Substitute), a bill to provide that acceptance of rent by a housing authority is not a waiver of default and to authorize housing authorities to govern entry upon housing authority property by guests and visitors, for concurrence in House Amendments No. 1, No. 2, and No. 3.

S.B. 653 (House Committee Substitute), a bill to make technical and other changes to the Medical Practice Act, for concurrence in the House Committee Substitute bill.

S.B. 751, a bill to provide that treatment or services rendered by certified fee–based practicing pastoral counselors shall be reimbursable under the State Health Plan and other health insurance policies under certain circumstances, for concurrence in House Amendments No. 1 and No. 2.

S.B. 865 (House Committee Substitute), a bill to amend the State laws regarding the purchase of a handgun to conform to the requirements of the "Brady Handgun Violence Prevention Act," for concurrence in the House Committee Substitute bill.

S.B. 896 (House Committee Substitute), a bill to enhance the investigative capabilities of law enforcement in cases of drug trafficking and other serious crimes by permitting the use of electronic surveillance in limited circumstances, for concurrence in the House Committee Substitute bill.

S.B. 899, a bill to provide that certain financial institutions' records are confidential, for concurrence in House Amendment No. 1.

S.B. 990, a bill to provide for more effective administrative permit review under the Coastal Area Management Act, for concurrence in House Amendment No. 1.

REPORT TO GENERAL ASSEMBLY

A commission directed to report to the General Assembly submits a report (*See Addendum*) which is disposed of, as follows:

Pursuant to G.S. 143B–10, the Employment Security Commission of North Carolina submits a Reorganization Report.

Referred to **Pensions and Retirement/Insurance/State Personnel Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Appropriations Committee**:

H.B. 504 (Committee Substitute), a bill to subtract any trade–in allowance in calculating the alternative highway use tax on leased vehicles, with a favorable report.

S.B. 135 (Committee Substitute), a bill to appropriate federal block grant funds and to extend certain expiring provisions, with an unfavorable report as to Committee Substitute bill No. 1 as written by the **Appropriations Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill No. 2, 5656, which changes the title to read **S.B. 135** (Committee Substitute No. 2), a bill to provide that petroleum overcharge funds and funds from the Worker Training Trust Fund appropriated for the 1993 fiscal biennium shall not revert, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill No. 2 is adopted, and on her further motion, with unanimous consent, the rules are suspended to the end the measure remains before the Senate for immediate consideration upon its passage.

The Committee Substitute bill No. 2 passes its second (49–0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 718, a bill to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Senate Committee Substitute bill 3181, which changes the title, upon concurrence, to read **H.B. 718** (Senate Committee Substitute), a bill to establish a North Carolina Parks and Recreation Authority and to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Senate Committee Substitute bill is adopted and on her further motion is placed on the Calendar for Thursday, July 6, for further consideration.

S.B. 971 (Committee Substitute No. 2), a bill to amend the Constitution of North Carolina to provide for gubernatorial nomination of Justices of the Supreme Court and Judges of the Court of Appeals, legislative confirmation, and retention by vote of the people, and to provide for election of Superior Court Judges within their districts, with an unfavorable report as to Committee Substitute bill No. 2 as written by the **Select Committee** on **S.B. 971**, but favorable as to Committee Substitute bill No. 3 with attached amendment.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill No. 3, 3679, with attached amendment, which changes the title to read **S.B. 971** (Committee Substitute No. 3), a bill to amend the Constitution of North Carolina to provide for gubernatorial nomination of Justices of the Supreme Court and Judges of the Court of Appeals, legislative confirmation, and retention by vote of the people, to provide for election of Superior Court Judges within their districts, and to improve the administration of justice and promote judicial economy and efficiency within the Superior Court Division of the General Court of Justice by providing for full eight-year terms of office when vacancies arise and an election is held other than at the expiration of the prior term for certain Superior Court Judges, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill No. 3 with attached amendment is adopted, and on her further motion is placed on the Calendar for Thursday, July 6, for further consideration.

CALENDAR (Continued)

H.B. 481, a bill to require parental or judicial consent for an unemancipated minor's abortion, changing the title, upon concurrence, to read **H.B. 481** (Senate Committee Substitute), a bill to require consent for an unemancipated minor's abortion, on today's Calendar.

With unanimous consent, on motion of Senator Gulley, the Senate Committee Substitute bill is taken up out of its regular order of business.

Senator Gulley offers a motion the Senate Committee Substitute bill be recommitted to the **Judiciary II/ Election Laws Committee.**

Following debate, Senator Kincaid offers a substitute motion that further consideration of the Senate Committee Substitute bill be postponed until Thursday, July 6, which motion fails to prevail (24–26), and the question reverts to the motion, offered by Senator Gulley, to recommit the Senate Committee Substitute bill to the **Judiciary II/Election Laws Committee**, which motion prevails (26–24).

The Chair orders the measure recommitted to the **Judiciary II/Election Laws Committee.**

With bills remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Perdue, the Senate adjourns at 5:31 P.M. to meet tomorrow, Thursday, July 6, at 3:00 P.M.

NINETY-FOURTH DAY

SENATE CHAMBER,
Thursday, July 6, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Mark Twain once said, 'It is by Your Goodness, O God, that we have in our country three unspeakably precious things: freedom of speech, freedom of conscience, and the prudence never to practice either.'

"Holy Scripture puts the same thought in these words today, 'Let the words of our mouths and the meditations of our hearts be acceptable to You, O Lord, our Strength and our Redeemer. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Sawyer, due to illness from stroke problems.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, July 5, has been examined and is found to be correct. On his motion,

the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Margaret O. Burke of Asheville, who is serving the Senate as Doctor of the Day.

CALENDAR

H.B. 1060 (Committee Substitute), a bill amending the General Statutes relating to the consolidation of cities and counties and consolidated city–county taxation and finance, on today's Calendar upon second reading.

With unanimous consent, on motion of Senator Jordan, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is re–referred to the **Local Government and Regional Affairs Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 56 (House Committee Substitute), an act to repeal antiquated, obsolete, or unconstitutional laws. (Ch. 379)

S.B. 681, an act to modify the purposes for which Greensboro may use the proceeds of its local occupancy tax. (Ch. 380)

H.B. 667 (Committee Substitute), an act to allow certain municipalities to use wheel locks on illegally parked vehicles. (Ch. 381)

H.B. 774 (Committee Substitute), an act to amend the Professional Corporation Act to allow collaborative practices between and among physicians and mid–level health care providers. (Ch. 382)

H.B. 970, an act to permit employers to conduct on–site drug testing under certain circumstances. (Ch. 383)

H.B. 997, an act to add acquisition of land for landfills to the list of purposes for which local governments may issue special obligation bonds or obtain financing under the Solid Waste Management Loan Program. (Ch. 384)

H.B. 1018, an act to authorize local governments operating local confinement facilities to charge fees for nonemergency medical care provided to prisoners. (Ch. 385)

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 1027, a bill to exempt from State and local sales tax sales of school pictures to public schools or public school students, with a favorable report.

With unanimous consent, on motion of Senator Sherron, the bill is re-referred to the **Appropriations Committee**.

S.B. 1094, a bill to increase certain fees under the Nursing Home Administrator Act, with a favorable report.

H.B. 694 (Committee Substitute No. 2), a bill to provide for private service of process in Wake County, with a favorable report, as amended.

CONFERENCE REPORT

S.B. 737 (Committee Substitute)

Senator Soles for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 737** (Committee Substitute), a bill to require that counties pay their local share of public assistance program benefits by electronic funds transfer, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 737, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT COUNTIES PAY THEIR LOCAL SHARE OF PUBLIC ASSISTANCE PROGRAM BENEFITS BY ELECTRONIC FUNDS TRANSFER, Senate Judiciary I/Constitution Committee Substitute Adopted 5/4/95, submit the following report:

The House recedes from House Amendment #1 and the Senate and House agree to the following amendment:

on page 1, line 16, by deleting the word "five" and substituting the number "20"; and

on page 1, lines 20 through 21 by rewriting those lines to read: "as provided in G.S. 108A-93. The maximum late payment penalty that shall be assessed is one-hundred dollars ($100.00)."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June __, 1995.

S/R. C. Soles, Jr.	S/Julia C. Howard
S/J. Richard Conder	S/Cherie K. Berry
S/Donald R. Kincaid	S/Foyle R. Hightower, Jr.
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Soles, the Conference Report is adopted (48–1) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 558 (House Committee Substitute), a bill to provide for expedited eviction of persons engaged in drug–related criminal activity and other criminal activity that threatens the health, safety, or peaceful enjoyment of rental property, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Friday, July 7.

H.B. 443 (Committee Substitute No. 2), a bill to require all real estate appraisers to be licensed and to provide for the registration of trainee real estate appraisers, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

H.B. 1001 (Committee Substitute), a bill to exempt from property tax non-commercial motor vehicles that are thirty years old or older and are maintained for use in exhibitions, club activities, parades, and other public interest functions, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 873

House of Representatives
July 6, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Amendment # 2 to **HB 873**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE SUBSTANCES THAT APPLICATORS OF PESTICIDES ARE AUTHORIZED TO APPLY AND TO PROVIDE FOR THE PESTICIDE APPLICATOR'S LICENSE TO BE REVOKED, SUSPENDED, OR DENIED FOR VIOLATING THIS LIMITATION, the Speaker has appointed as conferees on the part of the House,

Representative Lemmond,
Representative Thompson, and
Representative Mercer

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

Senator Albertson offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

The Chair extends courtesies of the floor to Joe Thomas, former Senator from Craven County.

CALENDAR

Bills on the Calendar, carried forward as unfinished business from Wednesday, July 5, are taken up and disposed of, as follows:

H.B. 447 (Committee Substitute), a bill to require an ambulance provider license, as amended.

The Committee Substitute bill, as amended, passes its second (48–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 733, a bill to allow law–enforcement officers to take physical custody of juveniles sixteen and seventeen years of age who are beyond the disciplinary control of their parents and absent from home.

The bill passes its second (48–1) and third readings and is ordered enrolled.

COURTESIES

Upon the arrival at the doors of the Chamber, the President directs Senator Cooper, Senator Speed, and Senator Martin of Pitt to escort to the Well of the Senate, Mrs. Vernestine Kent Taylor from Hunt High School in Wilson, who is the 1995–1996 North Carolina Teacher of the Year. Senator Cooper presents Mrs. Taylor to the President, who recognizes her to address the Senate. Mrs. Taylor offers brief remarks. Following her remarks, the President congratulates her and recognizes the 1995–1996 Regional Teacher of the Year Finalists who are in the gallery: Mr. Charles Alonso from Spruce Pine; Mrs. Deana Kirby Deason from Gastonia; Ms. Fanette Hines Entzminger from Greenville; Mrs. Margaret Floyd Harris from Denton; and Mrs. Lois Gumbrecht Moye from Oriental. The Senate responds with a standing ovation. The Committee escorts Mrs. Taylor from the Chamber.

CALENDAR (Unfinished Business Continued)

H.B. 895 (Committee Substitute), a bill to provide notice of federal mandates by requiring the certification of proposed legislation and rules purported to be required by federal law, to provide for review by the Governor of administrative rules that would increase or decrease expenditures or revenues of units of local government, to amend the Local Government Fiscal Information Act to require the preparation of fiscal notes for certain proposed legislation, and to provide for the compilation of the costs of federal mandates on the expenditures and revenues of State government and local governments, as amended.

Senator Rand offers Amendment No. 3 which is adopted (47–1).

The Committee Substitute bill, as amended, passes its second (48–0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

H.B. 353 (Senate Committee Substitute No. 2), a bill to implement the recommendations of the Governor's Task Force on Driving While Impaired, upon third reading.

Senator Odom calls the previous question, seconded by Senator Conder. The call is sustained (25–23).

The Senate Committee Substitute bill No. 2 passes its third reading (33–14) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 35 (Committee Substitute No. 2), a bill to establish the 1995 North Carolina Partnership for Independence Act, as amended, on the General Orders for today's Calendar as a special order of business, with Amendment No. 3 pending.

On motion of Senator Martin of Guilford, the Committee Substitute bill No. 2, as amended, is taken up out of the regular order of business and on his further motion, is recommitted to the **Appropriations Committee** (26–23), with Amendment No. 3 pending.

S.B. 943 (House Committee Substitute), a bill to address motor fuel tax evasion and to improve the administration of the motor fuel taxes by changing the point of taxation of gasoline and diesel fuel, to repeal the minimum highway use tax, and to strengthen the enforcement of the road tax paid by motor carriers, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

The Senate recesses at 3:53 P.M. to reconvene at 4:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Ballance.

CALENDAR (Unfinished Business Continued)

S.B. 26 (Committee Substitute), a bill to enable local boards of education to expel from school those students whose continued presence in school constitutes a

clear threat to the safety and health of other students or employees, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 26** (House Committee Substitute No. 2), a bill to enable local boards of education to expel from school those students whose continued presence in school constitutes a clear threat to the safety of other students or employees.

The Senate concurs in the House Committee Substitute bill No. 2 (39–1) and the measure is ordered enrolled.

S.B. 166 (House Committee Substitute), a bill to amend certain provisions of law that regulate attorneys–at–law, for concurrence in the House Committee Substitute bill.

With unanimous consent, on motion of Senator Kerr, consideration of the House Committee Substitute bill is postponed until Tuesday, July 11.

S.B. 320 (House Committee Substitute), a bill to be known as the North Carolina Uniform Custodial Trust Act and to make conforming amendments to the power of attorney statutes, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill.

With unanimous consent, on motion of Senator Hartsell, consideration of the House Committee Substitute bill is postponed until Tuesday, July 11.

S.B. 412, a bill to modify the law concerning the federal preemption of State usury laws, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 412** (House Committee Substitute), a bill to modify the law concerning the federal preemption of State usury laws and to raise the maximum late payment charge for revolving credit loans.

The Senate concurs in the House Committee Substitute bill (42–2) and the measure is ordered enrolled.

S.B. 426 (House Committee Substitute No. 2), a bill to amend the public records law, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (42–3) and the measure is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plyler for the **Appropriations Committee**:

S.B. 528 (Committee Substitute), a bill to establish the mediated settlement conferences in civil actions in superior court, with a favorable report.

With unanimous consent, on motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is placed at the end of today's Calendar for consideration upon its passage.

COMMITTEE REFERRAL RECALL

S.B. 1027, a bill to exempt from State and local sales tax sales of school pictures to public schools or public school students, referred to the **Appropriations Committee** earlier today.

Pursuant to Rule 47(b), Senator Perdue offers a motion the bill be taken from the **Appropriations Committee** and recommitted to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and recommits the bill to the **Finance Committee**.

CALENDAR (Unfinished Business Continued)

S.B. 929 (House Committee Substitute), a bill to make various amendments to the North Carolina Rules of Civil Procedure regarding service of process and depositions in a foreign country and the determination of foreign law to be applied in certain civil actions, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (47–1) and the measure is ordered enrolled.

S.R. 1098, a Senate simple resolution recognizing the One Hundredth Anniversary of Spencer Shops, for adoption.

With unanimous consent, on motion of Senator Smith, the Senate simple resolution is read in its entirety.

On motion of Senator Smith, the Senate simple resolution is adopted (47–0). *(The text of this resolution appears in the Appendix.)*

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 1027, a bill to exempt from State and local sales tax sales of school pictures to public schools or public school students, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the bill, as amended, engrossed and re–referred to the **Appropriations Committee.**

CALENDAR (Continued)

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 121 (Committee Substitute), a bill to revise the procedures for assessments of inheritance tax following a federal determination, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 7, for further consideration upon third reading.

S.B. 971 (Committee Substitute No. 3), a bill to amend the Constitution of North Carolina to provide for gubernatorial nomination of Justices of the Supreme Court and Judges of the Court of Appeals, legislative confirmation, and retention by vote of the people, to provide for election of Superior Court Judges within their districts, and to improve the administration of justice and promote judicial economy and efficiency within the Superior Court Division of the General Court of Justice by providing for full eight-year terms of office when vacancies arise and an election is held other than at the expiration of the prior term for certain Superior Court Judges, which requires a three-fifths majority vote, upon second reading.

Senator Webster offers Amendment No. 1 which proposes to change the title to read **S.B. 971** (Committee Substitute No. 3), a bill to amend the Constitution of North Carolina to provide for gubernatorial nomination of Justices of the Supreme Court and Judges of the Court of Appeals, legislative confirmation, and retention by vote of the people, to provide for election of Superior Court Judges within their districts, and to improve the administration of justice and promote judicial economy and efficiency within the Superior Court Division of the General Court of Justice by providing for full eight-year terms of office when vacancies arise and an election is held other than at the expiration of the prior term for certain Superior Court Judges and to amend the Constitution of North Carolina to limit members of the General Assembly to four consecutive terms in a house.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Senator Odom rises to a point of order as to the germaneness of Amendment No. 1 to the Committee Substitute bill No. 3 pursuant to Rule 57.1. The Chair rules Amendment No. 1 not germane to the subject matter of the measure. Senator Webster appeals from the ruling of the Chair to the Senate and upon his appeal calls for the ayes and noes.

Senator Rand rises to a point of order pursuant to Rule 53 as to the principal provisions of a defeated measure included in Amendment No. 1 offered by Senator Webster. The Chair takes the point of order under advisement and places before the Senate the question, "shall the ruling of the Chair stand as the judgment of the Senate?" The call for the ayes and noes is sustained.

The Senate sustains the ruling of the Chair and holds Amendment No. 1 not germane by roll-call vote, ayes 25, noes 22, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Conder, Cooper, Dannelly, Edwards, Gulley, Hobbs, Hoyle, Jordan, Kerr, Lucas, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sherron, Soles, Speed, Warren, and Winner—25.

Voting in the negative: Senators Allran, Ballantine, Blackmon, Carpenter, Carrington, Clark, Cochrane, Davis, East, Forrester, Foxx, Hartsell, Horton,

Ledbetter, Little, McDaniel, McKoy, Page, Shaw, Simpson, Smith, and Webster—22.

The Chair sustains the point of order taken under advisement earlier and pursuant to Rule 53, rules the provisions of Amendment No. 1 the principal provisions contained in House Bill 12, which failed to pass its second reading on June 27. Amendment No. 1 is ordered returned to the sponsor. The question becomes the passage of the Committee Substitute bill No. 3, upon second reading.

Receiving a three-fifths affirmative majority, the Committee Substitute bill No. 3 passes its second reading by roll-call vote, ayes 43, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—43.

Voting in the negative: Senators Martin of Pitt, McDaniel, McKoy, Page, and Perdue—5.

With unanimous consent, the Committee Substitute bill No. 3 remains before the Senate for further consideration upon third reading.

Receiving a three-fifths affirmative majority, the Committee Substitute bill No. 3 passes its third reading by roll-call vote, ayes 42, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—42.

Voting in the negative: Senators Martin of Pitt, McDaniel, McKoy, Page, Perdue, and Webster—6.

The Committee Substitute bill No. 3 is ordered sent to the House of Representatives.

H.B. 826 (Committee Substitute No. 2), a bill to provide for the licensing of soil scientists, upon second reading.

Senator Foxx offers a motion consideration of the Committee Substitute bill No. 2 be postponed until Tuesday, July 11, which motion she subsequently withdraws, without objection.

Senator Speed offers Amendment No. 1 which is adopted (47–0).

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 38, noes 10, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Little, Lucas, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Smith, Soles, Speed, Warren, Webster, and Winner—38.

Voting in the negative: Senators Ballantine, Clark, Foxx, Horton, Kincaid, Ledbetter, Martin of Pitt, McDaniel, Page, and Simpson—10.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 7, for further consideration upon third reading.

With bills remaining on the Calendar, on motion of Senator Soles, seconded by Senator Plyler, the Senate adjourns at 5:14 P.M. to meet tomorrow, Friday, July 7, at 11:00 A.M.

NINETY-FIFTH DAY

SENATE CHAMBER,
Friday, July 7, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"O God, in a world that encourages individualism, we are reminded that You have bound us together in this life. Give us grace to understand how our lives depend upon the courage, the industry, the honesty, and integrity of each other.

"There is an eternal destiny which makes us all brothers and sisters. We are grateful that none goes his or her way, truly alone. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Sawyer due to illness from stroke problems.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Thursday, July 6, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Michael Lancaster of Raleigh and to Dr. Carolyn Ferree of Winston-Salem, who are serving the Senate as Doctors of the Day.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence which are read and disposed of, as follows:

S.B. 430 (House Committee Substitute), a bill to modify the investment authority of a bank under the banking laws, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, July 10.

S.B. 525 (House Committee Substitute), a bill to require the State Health Director to prepare a medical and health benefits plan, for concurrence in the

House Committee Substitute bill, which is placed on the Calendar for Monday, July 10.

S.B. 570 (Committee Substitute), a bill to direct the Joint Legislative Utility Review Committee to study whether the extension of an interstate natural gas pipeline should be encouraged by exempting generation facilities served by that pipeline from regulation as public utilities, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read, **S.B. 570** (House Committee Substitute), a bill to restructure the Lexington Utilities Commission, which is placed on the Calendar for Monday, July 10.

S.B. 798 (House Committee Substitute), a bill authorizing sanitary districts to provide streets and law enforcement services and allowing small sanitary districts to compensate board members in the same manner as large sanitary districts, for concurrence in the House Committee Substitute bill.

On motion of Senator Cochrane, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration, upon consideration.

The President rules the House Committee Substitute bill as rewritten a material amendment and that receipt on messages from the House of Representatives constitutes first reading. The Chair orders the House Committee Substitute bill placed on the Calendar for Monday, July 10, upon second reading.

Bills received from the House of Representatives are read a first time and disposed of, as follows:

H.B. 352 (Committee Substitute No. 2), a bill to provide an earlier date for the presidential and other primaries and to reimburse the counties for postage in the delivery of certifications of candidacy and results of primaries and elections, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

H.B. 540 (Committee Substitute No. 3), a bill to authorize the issuance of eight hundred million dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, for the construction of highways and to amend the Highway Trust Fund, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

H.B. 941 (Committee Substitute), a bill to conform the provisions of the Public Utilities Chapter of the General Statutes to the federal preemption of State regulation of intrastate transportation of property except household goods and to the federal preemption of State regulation of wireless telecommunications carriers, and to increase the application fee, which is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

CALENDAR

Bills on the Calendar, carried forward as unfinished business from Thursday, July 6, are taken up and disposed of, as follows:

S.B. 976, a bill to increase the fee paid to agents of the Wildlife Resources Commission to issue certificates of boat number and to amend the duties of the Wildlife Resources Commission with regard to the appointment of agents for the issuance of boat numbers.

The bill passes its second (42–7) and third readings and is ordered sent to the House of Representatives.

H.B. 311 (Senate Committee Substitute No. 2), a bill to make use of a counterfeit trademark a crime in North Carolina, and to modify the civil remedies available for fraudulent registration of a trademark and infringement of a trademark.

The Chair rules the Senate Committee Substitute bill No. 2 is a substitute amendment for pending Amendment No. 2 recommitted to the **Judiciary I/ Constitution Committee** on June 28.

The Senate Committee Substitute bill No. 2 passes its second (48–1) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 4 (House Committee Substitute), a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, for concurrence in the House Committee Substitute bill, on today's Calendar upon third reading.

With unanimous consent, on motion of Senator Albertson, the House Committee Substitute bill is taken up out of its regular order of business and on his further motion, consideration of the House Committee Substitute bill is postponed until Wednesday, July 12.

H.B. 504 (Committee Substitute), a bill to subtract any trade–in allowance in calculating the alternative highway use tax on leased vehicles.

The Committee Substitute bill passes its second (49–0) and third readings and is ordered enrolled.

S.B. 971 (Committee Substitute No. 3), a bill to amend the Constitution of North Carolina to provide for gubernatorial nomination of Justices of the Supreme Court and Judges of the Court of Appeals, legislative confirmation, and retention by vote of the people, to provide for election of Superior Court Judges within their districts, and to improve the administration of justice and promote judicial economy and efficiency within the Superior Court Division of the General Court of Justice by providing for full eight–year terms of office when vacancies arise and an election is held other than at the expiration of the prior term for certain Superior Court Judges, ordered sent to the House of Representatives on July 6.

On motion of Senator Odom, the Committee Substitute bill No. 3 is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 718, a bill to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund, changing the title, upon concurrence, to read **H.B. 718** (Senate Committee Substitute), a bill to establish a North Carolina Parks

and Recreation Authority and to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund.

The President rules the Senate Committee Substitute bill requires a call of the roll pursuant to Article II, Section 23 of the Constitution of North Carolina.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for Monday, July 10, for further consideration upon third reading.

COMMITTEE REFERRAL RECALL

H.B. 807 (Senate Committee Substitute), a bill to authorize the Department of Justice to provide criminal record checks to domiciliary care facilities, home care agencies, hospices, licensed child placing agencies, residential child care facilities, and other providers of treatment for or services to children, the elderly, and the sick and disabled, referred to the **Appropriations Committee** on June 26.

Pursuant to Rule 47(b), Senator Odom offers a motion the Senate Committee Substitute bill be taken from the **Appropriations Committee** and placed on the Calendar for Monday, July 10, which motions prevail with unanimous consent.

The Chair orders the Senate Committee Substitute bill recalled from the **Appropriations Committee** and places it on the Calendar for Monday, July 10, for consideration upon its passage.

CALENDAR (Unfinished Business Continued)

H.B. 914 (Committee Substitute), a bill to modify the appointment and conditions of office of members of the Boards of Trustees of Community Colleges, changing the title, upon concurrence, to read **H.B. 914** (Senate Committee Substitute), a bill to modify the appointment and conditions of office of members of the State Board of Community Colleges and Boards of Trustees of Community Colleges.

Senator Foxx offers Amendment No. 1 which is adopted (33–14).

Senator Simpson offers Amendment No. 2 which fails of adoption (22–27).

Following debate, Senator Little calls the previous question, seconded by Senator McDaniel. The call is sustained.

The Senate Committee Substitute bill, as amended, passes its second reading (41–8).

Senator Albertson objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, July 10, for further consideration upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Edwards for the **Ways and Means Committee**:

S.B. 624 (Committee Substitute), a bill to provide for a binding referendum on the establishment of a North Carolina State Lottery Commission, with a favorable report.

CALENDAR (Unfinished Business Continued)

S.B. 200 (Committee Substitute), a bill to provide for civil penalties for violations of the Gasoline and Oil Inspection Law, the meat inspection law, and the animal welfare and animal health laws, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 200** (House Committee Substitute), a bill to amend Article 2 of Chapter 119 of the General Statutes regarding the regulation of rerefined or reprocessed oil.

The Senate fails to concur in the House Committee Substitute bill (7–39).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 242 (Committee Substitute), a bill to amend the North Carolina Nonprofit Corporation Act and to make a conforming amendment to the Business Corporation Act, as recommended by the General Statutes Commission, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (47–0) and the Committee Substitute bill is ordered enrolled.

S.B. 243 (Committee Substitute), a bill to amend the law regarding the power of a personal representative to settle claims for wrongful death, as recommended by the General Statutes Commission, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (46–0) and the Committee Substitute bill is ordered enrolled.

CONFERENCE REPORT

S.B. 119 (House Committee Substitute)

Senator Winner, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 119** (Committee Substitute), a bill to provide qualified immunity to professional engineers who voluntarily provide engineering services during a declared emergency or disaster without compensation, which House Committee Substitute bill proposes to change the title, upon concurrence, to read **S.B. 119** (House Committee Substitute), a bill to provide qualified immunity to professional engineers and architects who voluntarily provide engineering services during a declared emergency or disaster without compensation, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 119, AN ACT TO PROVIDE QUALIFIED IMMUNITY TO PROFESSIONAL ENGINEERS AND ARCHITECTS WHO VOLUNTARILY PROVIDE ENGINEERING SERVICES DURING A DECLARED EMERGENCY OR DISASTER WITHOUT COMPENSATION, House Committee Substitute Favorable 6/12/95, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute Favorable 6/12/95, and the Senate concurs in the House Committee Substitute as amended:

on page 1, line 17, page 2, lines 8 and 37, and page 3, line 6 by inserting between the words "injury," and "property" the words "wrongful death,";

and, on page 2, line 10, and page 3, line 8 by deleting the words "with respect to" and substituting the words "arose out of".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 6, 1995.

S/Leslie Winner	S/Louis M. Pate, Jr.
S/Fred Hobbs	S/Gregg Thompson
S/Patrick J. Ballantine	S/Bill Culpepper
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Winner, the Conference Report is adopted (47–0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 200 (Committee Substitute), a bill to provide for civil penalties for violations of the Gasoline and Oil Inspection Law, the meat inspection law, and the animal welfare and animal health laws, which proposes to change the title, upon concurrence, to read **S.B. 200** (House Committee Substitute), a bill to amend Article 2 of Chapter 119 of the General Statutes regarding the regulation of rerefined or reprocessed oil, with the motion to concur failing to prevail earlier today.

Senator Albertson offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

CALENDAR (Unfinished Business Continued)

S.B. 357, a bill to exempt the Department of Transportation from the requirement of making quarterly reports of mileage of State vehicles assigned to the

Department and to allow assignments of vehicles to the Department to be revoked only when the Department consents, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (46–0) and the bill is ordered enrolled.

S.B. 423, a bill to establish a State Vocational Rehabilitation/Independent Living Program for People With Disabilities, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (44–1) and the bill is ordered enrolled.

S.B. 559 (Committee Substitute), a bill to increase the penalties for a drug offense that occurs in a drug–free public housing zone, to provide that acceptance of rent by a housing authority is not a waiver of default, to authorize housing authorities to govern entry upon housing authority property by guests and visitors, and to make it a crime to trespass on public housing authority property, for concurrence in House Amendments No. 1, No. 2, and No. 3.

The Senate concurs in House Amendments No. 1, No. 2, and No. 3 (46–0) and the Committee Substitute bill is ordered enrolled.

S.B. 653 (House Committee Substitute), a bill to make technical and other changes to the Medical Practice Act, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (47–0) and the measure is ordered enrolled.

S.B. 751, a bill to provide that treatment or services rendered by certified fee–based practicing pastoral counselors shall be reimbursable under the State Health Plan and other health insurance policies under certain circumstances, for concurrence in House Amendments No. 1 and No. 2.

The Senate concurs in House Amendments No. 1 and No. 2 (44–2) and the bill is ordered enrolled.

S.B. 865 (House Committee Substitute), a bill to amend the State laws regarding the purchase of a handgun to conform to the requirements of the "Brady Handgun Violence Prevention Act," for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0–47).

Senator Cochrane offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

S.B. 896 (House Committee Substitute), a bill to enhance the investigative capabilities of law enforcement in cases of drug trafficking and other serious crimes by permitting the use of electronic surveillance in limited circumstances, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46–1) and the measure is ordered enrolled.

S.B. 899, a bill to provide that certain financial institutions' records are confidential, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (46–0) and the bill is ordered enrolled.

S.B. 990, a bill to provide for more effective administrative permit review under the Coastal Area Management Act, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (46–0) and the bill is ordered enrolled.

S.B. 528 (Committee Substitute), a bill to establish the mediated settlement conferences in civil actions in superior court, as amended.

Senator Soles offers Amendment No. 3 which is adopted (45–0).

With unanimous consent, on motion of Senator Soles, further consideration of the Committee Substitute bill, as amended, is postponed until Tuesday, July 11.

COMMITTEE REFERRAL RECALL

H.B. 1060 (Committee Substitute), a bill amending the General Statutes relating to the consolidation of cities and counties and consolidated city–county taxation and finance, reported favorable, as amended, by the **Finance Committee** and referred to the **Local Government and Regional Affairs Committee** on July 6.

Pursuant to Rule 47(b), Senator Jordan offers a motion the Committee Substitute bill be taken from the **Local Government and Regional Affairs Committee** and placed on the Calendar for Tuesday, July 11, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Local Government and Regional Affairs Committee** and places it on the Calendar for Tuesday, July 11, for consideration upon its passage.

CALENDAR (Continued)

Bills on today's Calendar are taken up and disposed of as follows:

H.B. 694 (Committee Substitute No. 2), a bill to provide for private service of process in Wake County, upon second reading.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

Senator Sherron offers Amendment No. 2 which is adopted (44–2).

The Chair rules the measure does not require a call of the roll.

The Committee Substitute bill No. 2, as amended, passes its second reading (39–7).

Senator Sherron objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, July 10, for further consideration upon third reading.

COMMITTEE REFERRAL RECALL

H.B. 576 (Committee Substitute No. 3), a bill to incorporate the Town of Summerfield, subject to a referendum, referred to the **Local Government and Regional Affairs Committee** on June 28.

Pursuant to Rule 47(b), Senator Jordan offers a motion the Committee Substitute bill No. 3 be taken from the **Local Government and Regional Affairs Committee** and placed on the Calendar for Tuesday, July 11, which motions prevail with unanimous consent.

The Chair orders the Senate Committee Substitute bill No. 3 recalled from the **Local Government and Regional Affairs Committee** and places it on the Calendar for Tuesday, July 11, for consideration upon its passage, upon third reading.

CALENDAR (Continued)

S.B. 528 (Committee Substitute), a bill to establish the mediated settlement conferences in civil actions in superior court, as amended, ordered earlier today placed on the Calendar for Tuesday, July 11, upon third reading.

With unanimous consent, on motion of Senator Soles, the Senate reconsiders and the Committee Substitute bill, as amended, is taken from the Calendar for July 11, and placed before the Senate for further consideration upon its passage, upon third reading.

With unanimous consent, the Senate reconsiders its previous action to allow Senator Soles to withdraw Amendment No. 3.

Senator Soles offers Amendment No. 4 which is adopted (46–0).

The Committee Substitute bill, as amended, passes its second (46–0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 121 (Committee Substitute), a bill to revise the procedures for assessments of inheritance tax following a federal determination, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and, without objection, sent to the House of Representatives by special messenger.

H.B. 826 (Committee Substitute No. 2), a bill to provide for the licensing of soil scientists, as amended, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll–call vote, ayes 39, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Rand, Shaw, Sherron, Soles, Speed, Warren, Webster, and Winner—39.

Voting in the negative: Senators Ballantine, Clark, Foxx, Horton, McDaniel, Page, and Simpson—7.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, without objection, by special messenger.

S.B. 1094, a bill to increase certain fees under the Nursing Home Administrator Act.

The bill passes its second (35–11) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 558 (House Committee Substitute), a bill to provide for expedited eviction of persons engaged in drug–related criminal activity and other criminal activity that threatens the health, safety, or peaceful enjoyment of rental property, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45–1) and the measure is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence which are read and disposed of, as follows:

S.B. 237 (House Committee Substitute), a bill to clarify the use value tax law, to update the law to conform to modern family property transactions, and to expand the category of relatives who may qualify for use value property transfers, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, July 10.

S.B. 415, a bill to provide for the merger of banks and savings institutions, for concurrence in the House Committee Substitute bill, changing the title, upon concurrence, to read **S.B. 415** (House Committee Substitute), a bill to provide for the merger of banks and savings institutions and to limit the simultaneous conversion/mergers of mutual and stock institutions, which is placed on the Calendar for Monday, July 10.

S.B. 1080 (House Committee Substitute No. 2), a bill to place certain restrictions on the siting of swine houses and lagoons, for concurrence in the House Committee Substitute bill No. 2, which is placed on the Calendar for Monday, July 10.

Bills received from the House of Representatives are read a first time and disposed of, as follows:

H.B. 511 (Committee Substitute), a bill to provide that certain late charges for the late return of rented property are subject to sales tax and to provide for treble damages in a civil action to enforce payment of certain late charges for the late return of a rented video cassette tape.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re–referred to the **Finance Committee**.

H.B. 490 (Committee Substitute No. 3), a bill to provide that annual reports of business corporations and limited liability companies shall be filed with the Department of Revenue rather than the Secretary of State, to establish fees for expedited filings, to provide that nonprofit religious corporations are not required to file annual reports, to extend the deadline to allow the reinstatement of dissolved

corporations, and to allow the Secretary of State to retain filed documents in reproduced form.

Referred to **Judiciary II/Election Laws Committee** and upon a favorable report, re-referred to the **Finance Committee.**

WITHDRAWAL FROM CALENDAR

S.B. 570 (Committee Substitute), a bill to direct the Joint Legislative Utility Review Committee to study whether the extension of an interstate natural gas pipeline should be encouraged by exempting generation facilities served by that pipeline from regulation as public utilities, changing the title, upon concurrence, to read **S.B. 570** (House Committee Substitute), a bill to restructure the Lexington Utilities Commission, ordered earlier today placed on the Calendar for Monday, July 10.

With unanimous consent, the rules are suspended and the House Committee Substitute bill is taken from the Calendar for Monday, July 10, and re-referred to the **Rules and Operation of the Senate Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES (Continued)

Bills received, read, and ordered held in the Office of the Principal Clerk pending referral to committee are presented to the Senate and disposed of, as follows:

H.B. 352 (Committee Substitute No. 2), a bill to provide an earlier date for the presidential and other primaries and to reimburse the counties for postage in the delivery of certifications of candidacy and results of primaries and elections, ordered earlier today held in the Office of the Principal Clerk.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 540 (Committee Substitute No. 3), a bill to authorize the issuance of eight hundred million dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, for the construction of highways and to amend the Highway Trust Fund, ordered earlier today held in the Office of the Principal Clerk.

Referred to **Appropriations Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 941 (Committee Substitute), a bill to conform the provisions of the Public Utilities Chapter of the General Statutes to the federal preemption of State regulation of intrastate transportation of property except household goods and to the federal preemption of State regulation of wireless telecommunications carriers, and to increase the application fee, ordered earlier today held in the Office of the Principal Clerk.

Referred to **Judiciary I/Constitution Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 443 (Committee Substitute No. 2), a bill to require all real estate appraisers to be licensed and to provide for the registration of trainee real estate appraisers, ordered held in the Office of the Principal Clerk on July 6.

Referred to the **Finance Committee.**

H.B. 1001 (Committee Substitute), a bill to exempt from property tax non-commercial motor vehicles that are thirty years old or older and are maintained for use in exhibitions, club activities, parades, and other public interest functions, ordered held in the Office of the Principal Clerk on July 6.

Referred to the **Finance Committee.**

H.B. 1052 (Committee Substitute), a bill to require recipients of Aid to Families with Dependent Children (AFDC) to participate in employment/workfare and to appropriate funds, ordered held in the Office of the Principal Clerk on July 4.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

On motion of Senator Basnight, seconded by Senator Plyler, the Senate adjourns at 1:27 P.M. in memory of Mrs. Mildred Furr Dove, the sister of Senator Plyler, to meet Monday, July 10, at 5:00 P.M.

NINETY-SIXTH DAY

SENATE CHAMBER,
Monday, July 10, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, on days so busy that it would seem we have forgotten You, please do not forget us.

"We pray especially this week for Godly discernment in all of our deliberations—the power to tell the good from the bad; the genuine from the counterfeit; and always to choose the good and genuine. In Your Holy Name we pray, Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Hoyle due to business and to Senator Blackmon.

Senator Basnight, President *Pro Tempore*, announces the Journal of Friday, July 7, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. John J. Rush of Cary, who is serving the Senate as Doctor of the Day.

RECALL FROM ENROLLING

S.B. 559 (Committee Substitute), a bill to provide that acceptance of rent by a housing authority is not a waiver of default and to authorize housing authorities to govern entry upon housing authority property by guests and visitors, ordered enrolled on July 7.

Senator Odom offers a motion to the end the Committee Substitute bill be recalled from the Enrolling Office for further consideration, which motion prevails.

The Enrolling Clerk presents the Committee Substitute bill with House Amendments No. 1, No. 2, and No. 3 attached.

Senator Odom offers a motion that the vote by which the Senate concurred in House Amendments No. 1, No. 2, and No. 3 be reconsidered, which motion prevails, and the question reverts to the Committee Substitute bill for concurrence in House Amendments No. 1, No. 2, and No. 3.

The Senate fails to concur in House Amendments No. 1, No. 2, and No. 3 (5–40).

Senator Odom offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

CALENDAR

S.B. 528 (Committee Substitute), a bill to establish the mediated settlement conferences in civil actions in superior court, ordered sent to the House of Representatives on July 7.

On motion of Senator Rand, the Committee Substitute bill is ordered, without objection, sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 26 (House Committee Substitute No. 2), an act to enable local boards of education to expel from school those students whose continued presence in school constitutes a clear threat to the safety of other students or employees. (Ch. 386)

S.B. 412 (House Committee Substitute), an act to modify the law concerning the federal preemption of State usury laws and to raise the maximum late payment charge for revolving credit loans. (Ch. 387)

S.B. 426 (House Committee Substitute No. 2), an act to amend the public records law. (Ch. 388)

S.B. 929 (House Committee Substitute), an act to make various amendments to the North Carolina Rules of Civil Procedure regarding service of process and depositions in a foreign country and the determination of foreign law to be applied in certain civil actions. (Ch. 389)

S.B. 943 (House Committee Substitute), an act to address motor fuel tax evasion and to improve the administration of the motor fuel taxes by changing the point of taxation of gasoline and diesel fuel, to repeal the minimum highway use tax, and to strengthen the enforcement of the road tax paid by motor carriers. (Ch. 390)

H.B. 733, an act to allow law–enforcement officers to take physical custody of juveniles sixteen and seventeen years of age who are beyond the disciplinary control of their parents and absent from home. (Ch. 391)

H.B. 832 (Senate Committee Substitute), an act to clarify the role of the Wildlife Resources Commission in the protection of endangered and threatened wild animal species and wild animal species of special concern. (Ch. 392)

S.B. 15 (Committee Substitute), an act to further streamline the statutes so as to clarify the Constitutional role of the State Board of Education. (Ch. 393)

S.B. 155, an act to authorize the Division of Motor Vehicles to issue a temporary license plate that is valid for up to sixty days. (Ch. 394)

S.B. 396 (Committee Substitute), an act to encourage regulated arrangements among physicians when the arrangement will help control costs, improve access, improve quality, or implement mandated health care reforms. (Ch. 395)

S.B. 478, an act to coordinate enforcement of federal nursing home requirements with State requirements. (Ch. 396)

H.B. 85 (Committee Substitute), an act to provide that nonprofit barber schools have one instructor for every twenty students. (Ch. 397)

H.B. 90 (Senate Committee Substitute No. 2), an act to provide that a person who meets specified statutory criteria may carry a concealed handgun if the person has obtained a concealed handgun permit, to authorize sheriffs to issue concealed handgun permits, to establish the criteria that must be satisfied to receive the permit, to establish the procedure for the issuance of a concealed handgun permit, to increase the penalty for carrying a concealed handgun without a permit, and to make conforming statutory changes. (Ch. 398)

H.B. 537 (Senate Committee Substitute), an act to allow Gaston and Greene Counties to acquire and otherwise make available property for use by the board of trustees of a community college within the county and to validate certain Greene County expenditures for a facility for joint community college and public school use. (Ch. 399)

S.B. 242 (Committee Substitute), an act to amend the North Carolina Nonprofit Corporation Act and to make a conforming amendment to the Business Corporation Act, as recommended by the General Statutes Commission. (Ch. 400)

S.B. 751, an act to provide that treatment or services rendered by certified fee-based practicing pastoral counselors shall be reimbursable under the State Health Plan and other health insurance policies under certain circumstances. (Ch. 406)

S.B. 896 (House Committee Substitute), an act to enhance the investigative capabilities of law enforcement in cases of drug trafficking and other serious crimes by permitting the use of electronic surveillance in limited circumstances. (Ch. 407)

S.B. 899, an act to provide that certain financial institutions' records are confidential. (Ch. 408)

S.B. 990, an act to provide for more effective administrative permit review under the Coastal Area Management Act. (Ch. 409)

H.B. 504 (Committee Substitute), an act to subtract any trade-in allowance in calculating the alternative highway use tax on leased vehicles. (Ch. 410)

S.B. 243 (Committee Substitute), an act to amend the law regarding the power of a personal representative to settle claims for wrongful death, as recommended by the General Statutes Commission. (Ch. 401)

S.B. 357, an act to exempt the Department of Transportation from the requirement of making quarterly reports of mileage of State vehicles assigned to the Department and to allow assignments of vehicles to the Department to be revoked only when the Department consents. (Ch. 402)

S.B. 423, an act to establish a State Vocational Rehabilitation/Independent Living Program for People With Disabilities. (Ch. 403)

S.B. 653 (House Committee Substitute), an act to make technical and other changes to the Medical Practice Act. (Ch. 405)

INTRODUCTION OF A RESOLUTION

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Rand, Edwards, Plyler, Conder, Hobbs, Parnell, Ballantine, Simpson, Little, Carrington, Horton, Shaw, Blackmon, Gulley, Ledbetter, McKoy, Plexico, Jordan, Clark, Foxx, McDaniel, Page, Smith, Cochrane, Carpenter, Allran, Hoyle, Martin of Guilford, Cooper, Basnight, Kincaid, Sherron, Forrester, East, Hartsell, Martin of Pitt, Albertson, Warren, Perdue, Soles, Lucas, Odom, Davis, Webster, Kerr, Dannelly, Winner, and Speed:

S.J.R. 1100, a joint resolution honoring the contributions of the 82nd Airborne Division and remembering the twenty-four paratroopers from the 82nd Airborne Division who lost their lives during a routine training mission on March 23, 1994.

Pursuant to Rule 43, the joint resolution is ordered held in the Office of the Principal Clerk pending referral to Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 119 House of Representatives
(House Committee Substitute) July 10, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **SB 119**, A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY TO

PROFESSIONAL ENGINEERS AND ARCHITECTS WHO VOLUNTARILY PROVIDE ENGINEERING SERVICES DURING A DECLARED EMERGENCY OR DISASTER WITHOUT COMPENSATION. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill enrolled.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 694 (Committee Substitute No. 2), a bill to provide for private service of process in Wake County, as amended, upon third reading.

Senator Sherron offers Amendment No. 3 which is adopted (47–1).

The Committee Substitute bill No. 2, as amended, passes its third reading (42–5) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

H.B. 718, a bill to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund, changing the title upon concurrence, to read **H.B. 718** (Senate Committee Substitute), a bill to establish a North Carolina Parks and Recreation Authority and to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll–call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

H.B. 807, a bill to provide that the Department of Justice may provide criminal record checks to home care agencies and hospices, changing the title, upon concurrence to read **H.B. 807** (Senate Committee Substitute), a bill to authorize the Department of Justice to provide criminal record checks to domiciliary care facilities, home care agencies, hospices, licensed child placing agencies, residential child care facilities, and other providers of treatment for or services to children, the elderly, and the sick and disabled, upon second reading.

Senator Winner offers Amendment No. 1 which is adopted (48–0).

The Senate Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, July 11, for further consideration upon third reading.

S.B. 624 (Committee Substitute), a bill to provide for a binding referendum on the establishment of a North Carolina State Lottery Commission.

The Chair extends courtesies of the gallery to Michael Hooker, Chancellor of the University of North Carolina, at Chapel Hill, and his wife, Carmen.

Following lengthy debate, Senator Ballance calls the previous question, seconded by Senator Conder. The call is sustained.

The Committee Substitute bill fails to pass its second reading (19–27) and the measure lies upon the table.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 865 (House Committee Substitute), a bill to amend the State laws regarding the purchase of a handgun to conform to the requirements of the "Brady Handgun Violence Prevention Act," with the motion of Senator Cochrane prevailing on July 7 that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Cochrane, Chairman, and Senators Kerr, Cooper and Simpson as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 200 (Committee Substitute), a bill to provide for civil penalties for violations of the Gasoline and Oil Inspection Law, the meat inspection law, and the animal welfare and animal health laws, which proposes to change the title, upon concurrence, to read **S.B. 200** (House Committee Substitute), a bill to amend Article 2 of Chapter 119 of the General Statutes regarding the regulation of re-refined or reprocessed oil, with the motion of Senator Albertson prevailing on July 7 that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Albertson, Chairman, and Senators Blackmon, Carrington and Hobbs as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 559 (Committee Substitute), a bill to provide that acceptance of rent by a housing authority is not a waiver of default and to authorize housing authorities to govern entry upon housing authority property by guests and visitors, with the motion of Senator Odom prevailing earlier today that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Odom, Chairman, and Senators Blackmon, Cooper, and Carrington as conferees on the part of the Senate to

resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 873, a bill to limit the substances that applicators of pesticides are authorized to apply and to provide for the pesticide applicator's license to be revoked, suspended, or denied for violating this limitation, with the motion of Senator Albertson prevailing on July 6 that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Albertson, Chairman, and Senators Speed, Blackmon, and Carrington as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 914 (Committee Substitute), a bill to modify the appointment and conditions of office of members of the Boards of Trustees of Community Colleges, changing the title, upon concurrence, to read **H.B. 914** (Senate Committee Substitute), a bill to modify the appointment and conditions of office of members of the State Board of Community Colleges and Boards of Trustees of Community Colleges, as amended, upon third reading.

Senator McKoy offers Amendment No. 3 which fails of adoption (17–26).

Senator Winner offers Amendment No. 4.

The Chair orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced, with Amendment No. 4 pending.

S.B. 798 (House Committee Substitute), a bill authorizing sanitary districts to provide streets and law enforcement services and allowing small sanitary districts to compensate board members in the same manner as large sanitary districts, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, July 11, for further consideration upon concurrence upon third reading.

S.B. 237 (House Committee Substitute), a bill to clarify the use value tax law, to update the law to conform to modern family property transactions, and to expand the category of relatives who may qualify for use value property transfers, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (3–44).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 415, a bill to provide for the merger of banks and savings institutions, for concurrence in the House Committee Substitute bill, which proposes to change the title, upon concurrence, to read **S.B. 415** (House Committee Substitute), a bill to provide for the merger of banks and savings institutions and to limit the simultaneous conversion/mergers of mutual and stock institutions.

The Senate fails to concur in the House Committee Substitute bill (2–43).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 430 (House Committee Substitute), a bill to modify the investment authority of a bank under the banking laws, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45–2) and the measure is ordered enrolled.

S.B. 525 (House Committee Substitute), a bill to require the State Health Director to prepare a medical and health benefits plan, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46–1) and the measure is ordered enrolled.

S.B. 237 (House Committee Substitute), a bill to clarify the use value tax law, to update the law to conform to modern family property transactions, and to expand the category of relatives who may qualify for use value property transfers, with the motion to concur in the House Committee Substitute bill failing to prevail earlier today.

Senator Speed offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

S.B. 1080 (House Committee Substitute No. 2), a bill to place certain restrictions on the siting of swine houses and lagoons, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (42–4) and the measure is ordered enrolled.

H.B. 914 (Committee Substitute), a bill to modify the appointment and conditions of office of members of the Boards of Trustees of Community Colleges, changing the title, upon concurrence, to read **H.B. 914** (Senate Committee Substitute), a bill to modify the appointment and conditions of office of members of the State Board of Community Colleges and Boards of Trustees of Community Colleges, as amended, upon third reading, temporarily displaced earlier with Amendment No. 4 pending.

Amendment No. 4 offered by Senator Winner is adopted (34–13).

The Senate Committee Substitute bill, amended, passes its third reading (43–4) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence which are read and disposed of, as follows:

S.B. 689 (Committee Substitute), a bill to provide for special registration plates for supporters of the Olympic Games, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 689** (House Committee Substitute), a bill to provide for special registration plates for supporters of the Olympic Games and square dance clubs, which is placed on the Calendar for tomorrow, Tuesday, July 11.

S.B. 752 (House Committee Substitute), a bill to clarify the authority of counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district and to allow under certain circumstances the maintenance of public roads lying outside the district, for concurrence in the House committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, July 11.

S.B. 836 (House Committee Substitute), a bill to enhance parental support of children by amending the law pertaining to civil actions to establish paternity, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, July 11.

PAGES

The President recognizes the following pages serving in the Senate this week:

Thomas Ray Atkins II, Washington; Elizabeth Dail Avery, Greenville; Lindsay M. Bost, Charlotte; Melissa Casper, Walstonburg; Autumn-Grace Dougherty, Boone; Jacquelyn M. Downar, Hertford; Bradley Burwell Eagles, Wilson; Joyce Elaine Ferrell, Reidsville; Joshua Wayne Gaddis, Dallas; Leta Jo Gardner, Asheboro; Stephanie C. Hammer, Belvidere; Jocelyn Hannah, Eden; Stephanie Dawn Hawkins, Rocky Mount; Mason Fox Matthews, Raleigh; Anna Maria Mendez, Belmont; Bradley Wayne Merritt, Clemmons; Christopher Andrew Moore, Raleigh; April Marie Peoples, Raleigh; Emmett Perdue, New Bern; Jonathan Philbeck, Shelby; Staci Nichole Ricks, Wilmington; Susannah Dare Slack, Blowing Rock; Katherine R. Swann, Cary; Jennifer Warshawsky, Gastonia; Melissa Cheryl Wooten, Raleigh; and Caroline Randolph Wright, Franklinton.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 237 (House Committee Substitute), a bill to clarify the use value tax law, to update the law to conform to modern family property transactions, and to expand the category of relatives who may qualify for use value property transfers, with the motion of Senator Speed that the Senate do appoint conferees prevailing earlier today.

The President *Pro Tempore* appoints Senator Kerr, Chairman, and Senators Albertson, Speed, and Kincaid as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator Hobbs, the Senate adjourns at 7:27 P.M. to meet tomorrow, Tuesday, July 11, at 3:00 P.M.

NINETY–SEVENTH DAY

SENATE CHAMBER,
Tuesday, July 11, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Pastor Eddie W. Lawrence of Greenwood Baptist Church in Warrenton, as follows:

"Dear Lord, we are most grateful for life and health and strength, and we thank You for the privilege of being able to be servants. Forever remind us that the greatest call of all is the call to be a servant. Forever help us to be mindful that You have given us our lives and our strength and our health to be a help, not a hindrance, to others. This is our prayer, in Christ's Name. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Hoyle due to business and to Senator Sawyer due to hospitalization.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, July 10, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Robert Turner of Greenville, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 293, an act to permit the importation and bottling of spirituous liquor within foreign trade zones located at the Wilmington and Morehead City Ports. (Ch. 404)

S.B. 541, an act to provide for review of the Director of Social Services' decisions not to file abuse, neglect, or dependency petitions and to make clarifying changes to the law governing investigations of reports of abuse, neglect, and dependency. (Ch. 411)

H.B. 556 (Committee Substitute), an act to enable joint municipal power agencies to effect corporate reorganization and to make technical changes to the statutes governing joint municipal power agencies. (Ch. 412)

H.B. 447 (Committee Substitute), an act to require an ambulance provider license. (Ch. 413)

H.B. 826 (Committee Substitute No. 2), an act to provide for the licensing of soil scientists. (Ch. 414)

H.B. 895 (Committee Substitute), an act to provide notice of federal mandates by requiring the certification of proposed legislation and rules purported to be required by federal law, to provide for review by the Governor of administrative rules that would increase or decrease expenditures or revenues of units of local government, to amend the Local Government Fiscal Information Act to require the preparation of fiscal notes for certain proposed legislation, and to provide for the compilation of the costs of federal mandates on the expenditures and revenues of State government and local governments. (Ch. 415)

S.B. 119 (House Committee Substitute), an act to provide qualified immunity to professional engineers and architects who voluntarily provide engineering services during a declared emergency or disaster without compensation. (Ch. 416)

S.B. 430 (House Committee Substitute), an act to modify the investment authority of a bank under the banking laws. (Ch. 417)

S.B. 525 (House Committee Substitute), an act to require the State Health Director to prepare a medical and health benefits plan. (Ch. 418)

S.B. 558 (House Committee Substitute), an act to provide for expedited eviction of persons engaged in drug–related criminal activity and other criminal activity that threatens the health, safety, or peaceful enjoyment of rental property. (Ch. 419)

S.B. 1080 (House Committee Substitute No. 2), an act to place certain restrictions on the siting of swine houses and lagoons. (Ch. 420)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

H.B. 899, a bill to provide for disposal of abandoned property by landlords and to amend the law of summary ejectment by reducing the time allowed for a defendant to appear in court, by allowing a landlord to have unclaimed property of an ejected tenant placed at the nearest public right–of–way, and by revising the application of the retaliatory eviction defense, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Senate Committee Substitute bill 1284, which changes the title, upon concurrence, to read **H.B. 899** (Senate Committee Substitute), a bill to provide for disposal of unclaimed property by landlords, to amend the law of summary ejectment by reducing the time allowed for a defendant to appear in court, and to provide for the execution of judgments for possession that are more than thirty days old, is placed before the Senate for immediate consideration.

On motion of Senator Gulley, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, July 12, for further consideration.

By Senator Sherron for the **Finance Committee**:

H.B. 223, a bill to phase out the excise tax on soft drinks over four years, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill 3175, which changes the title, upon concurrence, to read **H.B. 223** (Senate Committee Substitute), a bill to reduce the excise tax on soft drinks, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, July 12, for further consideration.

By Senator Cooper for the **Judiciary I/Constitution Committee**:

S.B. 278, a bill to add clerks of court to the General Statutes Commission, the Sentencing and Policy Advisory Commission, and the Criminal Justice Advisory Board, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 5657, which changes the title to read **S.B. 278** (Committee Substitute), a bill to add clerks of court to the Sentencing and Policy Advisory Commission and the Criminal Justice Advisory Board, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

H.B. 637 (Senate Committee Substitute), a bill to amend the law regarding products liability, with an unfavorable report as to the Senate Committee Substitute bill No. 1 as written by the **Judiciary I/Constitution Committee**, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, 6178, is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, July 12, for further consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill for concurrence which is read and disposed of, as follows:

S.B. 663 (House Committee Substitute), a bill making a qualified exception for the City of Wilmington and New Hanover County from the Public Records Act for certain geographical information systems, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, July 12.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 200
(House Committee Substitute)

House of Representatives
July 11, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **SB 200**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE GASOLINE AND OIL INSPECTION LAW, THE MEAT INSPECTION LAW, AND THE ANIMAL WELFARE AND ANIMAL HEALTH LAWS, which proposes to change the title, upon concurrence to read, **SB 200**, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 2 OF CHAPTER 119 OF THE GENERAL STATUTES REGARDING THE REGULATION OF REREFINED OR REPROCESSED OIL, the Speaker has appointed as conferees on the part of the House,

Representative Morgan, Chair,
Representative J. Brown,
Representative Dockham, and
Representative Gray

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

WITHDRAWAL FROM CALENDAR

H.B. 223 (Senate Committee Substitute), a bill to reduce the excise tax on soft drinks, ordered earlier today placed on the Calendar for Wednesday, July 12.

Senator Sherron offers a motion the Senate Committee Substitute bill be taken from the Calendar for Wednesday, July 12, and re-referred to the **Appropriations Committee**, which motions prevail.

The Chair orders the Senate Committee Substitute bill taken from the Calendar for Wednesday, July 12, and re-refers the measure to the **Appropriations Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 576 (Committee Substitute No. 3), a bill to incorporate the Town of Summerfield, subject to a referendum, upon third reading.

The Committee Substitute bill No. 3 passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan,

Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill No. 3 is ordered enrolled.

H.B. 807, a bill to provide that the Department of Justice may provide criminal record checks to home care agencies and hospices, changing the title, upon concurrence, to read **H.B. 807** (Senate Committee Substitute), a bill to authorize the Department of Justice to provide criminal record checks to domiciliary care facilities, home care agencies, hospices, licensed child placing agencies, residential child care facilities, and other providers of treatment for or services to children, the elderly, and the sick and disabled, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Webster, and Winner—47.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1060 (Committee Substitute), a bill amending the General Statutes relating to the consolidation of cities and counties and consolidated city–county taxation and finance, with a favorable report, as amended, upon recommendation of the **Finance Committee** on July 5, upon second reading.

On motion of Senator Sherron, Amendment No. 1 as recommended by the **Finance Committee** is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, July 12, for further consideration upon third reading.

COMMITTEE REFERRAL RECALL

H.B. 836 (Committee Substitute No. 2), a bill to expedite the environmental permitting process by allowing the option of submitting permit applications certified by a professional engineer and allowing these applications to be immediately sent to public notice and hearing and subjected to simultaneous technical review,

and to increase the maximum amount of the fee that the Environmental Management Commission may assess for processing an application for a permit under the water and air quality programs, referred to the **Agriculture/Environment/Natural Resources Committee** on June 30.

Pursuant to Rule 47(b), Senator Albertson offers a motion the Committee Substitute bill No. 2 be taken from the **Agriculture/Environment/Natural Resources Committee** and re–referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 recalled from the **Agriculture/Environment/Natural Resources Committee** and refers the measure to the **Finance Committee**.

CALENDAR (Continued)

S.B. 798 (House Committee Substitute), a bill authorizing sanitary districts to provide streets and law enforcement services and allowing small sanitary districts to compensate board members in the same manner as large sanitary districts, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll–call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 689 (Committee Substitute), a bill to provide for special registration plates for supporters of the Olympic Games, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 689** (House Committee Substitute), a bill to provide for special registration plates for supporters of the Olympic Games and square dance clubs, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll–call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: Senator Ballantine—1.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 12, for further consideration upon third reading.

S.B. 752 (House Committee Substitute), a bill to clarify the authority of counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district and to allow under certain circumstances the

maintenance of public roads lying outside the district, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll–call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Speed, Warren, Webster, and Winner—46.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 12, for further consideration upon third reading.

S.B. 166 (House Committee Substitute), a bill to amend certain provisions of law that regulate attorneys–at–law, for concurrence in the House Committee Substitute bill.

With unanimous consent, on motion of Senator Kerr, consideration of the House Committee Substitute bill is postponed until Wednesday, July 12.

S.B. 320 (House Committee Substitute), a bill to be known as the North Carolina Uniform Custodial Trust Act and to make conforming amendments to the power of attorney statutes, as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House committee Substitute bill (1–47).

Senator Hartsell offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

S.B. 6 (House Committee Substitute)

Senator Warren, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S.B. 6** (House Committee Substitute), a bill to amend the Constitution of North Carolina to establish rights for victims of crime, submits the following report for adoption, which requires a three–fifths affirmative majority vote:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 6, AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH RIGHTS FOR VICTIMS OF CRIME., Sixth Edition Engrossed 6/7/95, submit the following report:

The Senate concurs in the House Committee Substitute Favorable 6/1/95, as amended, as engrossed in the Sixth Edition Engrossed 6/7/95, with the following amendment:

on page 1, line 8 through page 2, line 27,
by rewriting the lines to read:

"(1) **Basic rights.** Victims of crime, as prescribed by law, shall be entitled to the following basic rights:

(a) The right as prescribed by law to be informed of and to be present at court proceedings of the accused.

(b) The right to be heard at sentencing of the accused in a manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court.

(c) The right as prescribed by law to receive restitution.

(d) The right as prescribed by law to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims.

(e) The right as prescribed by law to receive information about the conviction or final disposition and sentence of the accused.

(f) The right as prescribed by law to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused's sentence.

(g) The right as prescribed by law to present their views and concerns to the Governor or agency considering any action that could result in the release of the accused, prior to such action becoming effective.

(h) The right as prescribed by law to confer with the prosecution.

(2) **No money damages; other enforcement.** Nothing in this section shall be construed as creating a claim for money damages against the State, a county, a municipality, or any of the agencies, instrumentalities, or employees thereof. The General Assembly may provide for other remedies to ensure adequate enforcement of this section.

(3) **No ground for relief in criminal case.** The failure or inability of any person to provide a right or service provided".

The House agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June __, 1995.

S/Roy A. Cooper III	S/Robert Grady
S/James S. Forrester	S/Alex Warner
S/Ed N. Warren	S/Richard T. Morgan
Conferees for the Senate	*Conferees for the House of Representatives*

With unanimous consent, the Chair orders the Conference Report temporarily displaced.

CALENDAR (Continued)

S.B. 836 (House Committee Substitute), a bill to enhance parental support of children by amending the law pertaining to civil actions to establish paternity, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House committee Substitute bill (48–0) and the measure is ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 415, a bill to provide for the merger of banks and savings institutions, changing the title, upon concurrence, to read **S.B. 415** (House Committee Substitute), a bill to provide for the merger of banks and savings institutions and to limit the simultaneous conversion/mergers of mutual and stock institutions, with the motion to concur failing to prevail yesterday, July 10.

Senator Soles offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senator Soles, Chairman, and Senators Warren, Smith, and Kincaid as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

COMMITTEE REFERRAL RECALL

S.B. 776, a bill to establish a task force to determine a minimum reimbursement rate for Adult Developmental Activity Programs (ADAP), referred to the **Appropriations Committee** on April 20.

Pursuant to Rule 47(b), Senator Plyler offers a motion the bill be taken from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and places it before the Senate for immediate consideration upon its passage.

With unanimous consent, the Chair orders the bill temporarily displaced.

CONFERENCE REPORT

S.B. 6 (House Committee Substitute), a bill to amend the Constitution of North Carolina to establish rights for victims of crime, with the Conference Report submitted for adoption which requires a three-fifths affirmative majority vote, temporarily displaced earlier.

On motion of Senator Warren, the Conference Report is adopted by roll-call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: Senators Ballance and Horton—2.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 776, a bill to establish a task force to determine a minimum reimbursement rate for Adult Developmental Activity Programs (ADAP), temporarily displaced earlier.

Senator Carpenter offers Amendment No. 1 which is adopted (46–0).

The bill, as amended, passes its second (47–1) and third readings and is ordered engrossed and sent to the House of Representatives.

On motion of Senator Soles, seconded by Senator Carrington, the Senate adjourns at 4:12 P.M. to meet tomorrow, Wednesday, July 12, at 9:00 A.M.

NINETY-EIGHTH DAY

SENATE CHAMBER,
Wednesday, July 12, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, we open every Session of the Senate with corporate and private prayers for Your Help and Guidance.

"Often we pray for things which we already possess but have forgotten we have; remind us. Sometimes we pray for things that we can never have. That's wishful praying. Forgive us. But most times we pray for those things which You expect us to do for ourselves. Give us enlightenment and energy for those tasks today. For Your Sake, we pray, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Kincaid.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, July 11, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Lynn A. Hughes of Concord, in absentia, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 499, an act to allow the payment of additional benefits to Rescue and Emergency Medical Services workers. (Ch. 421)

S.B. 798 (House Committee Substitute), an act authorizing sanitary districts to provide streets and law enforcement services and allowing small sanitary districts to compensate board members in the same manner as large sanitary districts. (Ch. 422)

S.B. 815, an act to amend the law relating to voting precincts. (Ch. 423)

S.B. 836 (House Committee Substitute), an act to enhance parental support of children by amending the law pertaining to civil actions to establish paternity. (Ch. 424)

S.B. 955, an act prohibiting the unauthorized use of wireless telecommunications services and establishing civil and criminal penalties for acts relating to such use. (Ch. 425)

H.B. 576 (Committee Substitute No. 3), an act to incorporate the Town of Summerfield, subject to a referendum. (Ch. 426)

H.B. 761 (Committee Substitute), an act to provide for the licensure of foreign legal consultants and to authorize foreign legal consultants to engage in a limited practice of law in North Carolina. (Ch. 427)

H.B. 844 (Committee Substitute), an act to amend the vital records law. (Ch. 428)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence in amendments adopted by the House of Representatives which are read and disposed of, as follows:

S.B. 135 (Committee Substitute No. 2), a bill to provide that petroleum overcharge funds and funds from the Worker Training Trust Fund appropriated for the 1993 fiscal biennium shall not revert, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, July 13.

S.B. 229 (House Committee Substitute), a bill to remove impediments and disincentives to donating conservation land or preservation structures or sites, for concurrence in the House Committee Substitute bill. The Chair rules the measure requires a call of the roll.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 13, for concurrence upon second reading.

S.B. 258 (House Committee Substitute), a bill to clarify the record-keeping responsibilities of clerks of superior court in IV-D child support cases, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, July 13.

S.B. 404 (House Committee Substitute), a bill to modify the criteria for selection and sentencing to IMPACT, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, July 13.

S.B. 491, a bill to authorize the Town of Highlands to levy a room occupancy and tourism development tax, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 491** (House Committee Substitute), a bill to modify the minimum streamflow required in the length of the stream affected by certain dams operated by small hydroelectric power producers, which is placed on the Calendar for tomorrow, Thursday, July 13.

S.B. 792, a bill to provide that the forfeiture roll for bail bonds ordered forfeited in the district court may be heard in the district court, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 792** (House Committee Substitute), a bill to amend the bail bond forfeiture procedure provided by Article 26 of Chapter 15A of the General Statutes, which is placed on the Calendar for tomorrow, Thursday, July 13.

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 626 (Committee Substitute No. 2), a bill to create fire districts in Scotland County.

The Committee Substitute bill No. 2 is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

H.B. 952 (Committee Substitute), a bill to establish the North Carolina Bridge Authority.

The Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 237
(House Committee Substitute)

House of Representatives
July 11, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **SB 237**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE USE VALUE TAX LAW, TO UPDATE THE LAW TO CONFORM TO MODERN FAMILY PROPERTY TRANSACTIONS, AND TO EXPAND THE CATEGORY OF RELATIVES WHO MAY QUALIFY FOR USE VALUE PROPERTY TRANSFERS, the Speaker has appointed as conferees on the part of the House,

Representative Creech
Representative Mercer,
Representative Willis Brown, and
Representative Buchanan

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 559

House of Representatives
July 11, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Amendments # 1, 2 and 3 to **SB 559**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ACCEPTANCE OF RENT BY A HOUSING AUTHORITY IS NOT A WAIVER OF DEFAULT AND TO AUTHORIZE HOUSING AUTHORITIES TO GOVERN ENTRY UPON HOUSING AUTHORITY PROPERTY BY GUESTS AND VISITORS, the Speaker has appointed as conferees on the part of the House,

Representative Daughtry, Chair,
Representative Blue,
Representative Pulley, and
Representative G. Robinson,

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 865
(House Committee Substitute)

House of Representatives
July 11, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **SB 865**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE LAWS REGARDING THE PURCHASE OF A HANDGUN TO CONFORM TO THE REQUIREMENTS OF THE "BRADY HANDGUN VIOLENCE PREVENTION ACT," the Speaker has appointed as conferees on the part of the House,

Representative Ellis, Chair,
Representative Nichols,
Representative Michaux, and
Representative Wilkins

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 353
(Senate Committee Substitute No. 2)

House of Representatives
July 11, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute to **HB 353,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED, the Speaker has appointed as conferees on the part of the House,

Representative Hackney, Chair,
Representative Neely,
Representative Bowie, and
Representative Kiser

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

Upon the appearance of Senator Kincaid in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 663 (House Committee Substitute), a bill making a qualified exception for the City of Wilmington and New Hanover County from the Public Records Act for certain geographical information systems, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48–1) and the measure is ordered enrolled.

H.B. 1060 (Committee Substitute), a bill amending the General Statutes relating to the consolidation of cities and counties and consolidated city–county taxation and finance, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: Senators Ballance and Dannelly—2.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 637 (Senate Committee Substitute No. 2), a bill to amend the law regarding products liability.

With unanimous consent, on motion of Senator Cooper, consideration of the Senate Committee Substitute bill No. 2 is postponed until Thursday, July 13.

COMMITTEE REFERRAL RECALL

H.B. 481, a bill to require parental or judicial consent for an unemancipated minor's abortion, changing the title, upon concurrence, to read **H.B. 481** (Senate Committee Substitute), a bill to require consent for an unemancipated minor's abortion, referred to the **Judiciary II/Election Laws Committee** on July 5.

Pursuant to Rule 47(b), Senator Gulley offers a motion the Senate Committee Substitute bill be taken from the **Judiciary II/Election Laws Committee** and re–referred to the **Education/Higher Education Committee**, which motions prevail with unanimous consent.

The Chair orders the Senate Committee Substitute bill recalled from the **Judiciary II/Election Laws Committee** and refers the measure to the **Education/ Higher Education Committee**.

CALENDAR (Continued)

H.B. 899, a bill to provide for disposal of abandoned property by landlords and to amend the law of summary ejectment by reducing the time allowed for a defendant to appear in court, by allowing a landlord to have unclaimed property of an ejected tenant placed at the nearest public right–of–way, and by revising the application of the retaliatory eviction defense, changing the title, upon concurrence, to read **H.B. 899** (Senate Committee Substitute), a bill to provide for disposal of unclaimed property by landlords, to amend the law of summary ejectment by reducing the time allowed for a defendant to appear in court, and to provide for the execution of judgments for possession that are more than thirty days old.

The Senate Committee Substitute bill passes its second reading (48–2).

With unanimous consent, the Senate Committee Substitute bill remains before the Senate upon third reading.

The Chair orders, without objection, the bill temporarily displaced.

S.B. 4 (House Committee Substitute), a bill to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, for concurrence in the House Committee Substitute bill, requiring a three–fifths affirmative majority vote, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll–call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper,

Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—50.

Voting in the negative: None.

Receiving a unanimous vote, the House Committee Substitute bill is ordered enrolled.

H.B. 899, a bill to provide for disposal of abandoned property by landlords and to amend the law of summary ejectment by reducing the time allowed for a defendant to appear in court, by allowing a landlord to have unclaimed property of an ejected tenant placed at the nearest public right-of-way, and by revising the application of the retaliatory eviction defense, changing the title, upon concurrence, to read **H.B. 899** (Senate Committee Substitute), a bill to provide for disposal of unclaimed property by landlords, to amend the law of summary ejectment by reducing the time allowed for a defendant to appear in court, and to provide for the execution of judgments for possession that are more than thirty days old, temporarily displaced earlier, upon third reading.

The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 689 (Committee Substitute), a bill to provide for special registration plates for supporters of the Olympic Games, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 689** (House Committee Substitute), a bill to provide for special registration plates for supporters of the Olympic Games and square dance clubs, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 49, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: Senator Ballantine—1.

The House Committee Substitute bill is ordered enrolled.

CONFERENCE REPORT

H.B. 6 (Senate Committee Substitute)

Senator Winner for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 6** (Senate Committee Substitute), a bill to grant additional management flexibility to local boards of education, to ensure that local boards of education are held accountable for the use of that flexibility, to assess the relationship between expenditures for public schools and student performance, and to make conforming statutory changes, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 6, A BILL TO BE ENTITLED AN ACT TO GRANT ADDITIONAL MANAGEMENT FLEXIBILITY TO LOCAL BOARDS OF EDUCATION, TO ENSURE THAT LOCAL BOARDS OF EDUCATION ARE HELD ACCOUNTABLE FOR THE USE OF THAT FLEXIBILITY, TO ASSESS THE RELATIONSHIP BETWEEN EXPENDITURES FOR PUBLIC SCHOOLS AND STUDENT PERFORMANCE, AND TO MAKE CONFORMING STATUTORY CHANGES, Fourth Edition Engrossed 6/6/95, submit the following report:

The House and Senate agree to the following amendment to Senate Education/Higher Education Committee Substitute, Fourth Edition Engrossed 6/6/95, and the House concurs in the Senate Committee Substitute, Fourth Edition Engrossed 6/6/95, as amended:

on page 3, line 42, delete the word "education." and substitute the following:
"education, and may use funds from the allotment for Instructional Support Personnel for teacher positions to reduce class size at all grade levels.";

and on page 4, lines 1–3, rewrite the lines to read:
"(g) The State Board of Education shall develop a plan to enable local school improvement teams to take advantage of the increased flexibility granted under this act. This plan shall include a method to inform appropriate individuals in addition to central office administrators.
"(h) The State Board of Education shall report on the formulas and timeline under subsection (b) of this section, on the policies and procedures established under subsection (e) of this section, and on the plan developed under subsection (g) of this section to the Joint Legislative Education";

and on page 8, line 25, delete the period at the end of the line and substitute the following:
"so long as the affected teacher assistant positions are not filled when the plan is amended or adopted by the building-level staff entitled to vote on the building-level plan or the affected teacher assistant positions are not expected to be filled on the date the plan is to be implemented. Any State funds appropriated for teacher assistants that were converted to certificated teachers before July 1, 1995, in accordance with Section 1 of Chapter 986 of the 1991 Session Laws, as rewritten by Chapter 103 of the 1993 Session laws, may continue to be used for certificated teachers.";

and on page 8, line 31, insert after the word "materials," the word "and";

and on page 8, lines 33–35, rewrite the lines to read:
"class size in kindergarten through third grade.";

and on page 9, lines 7–43, and on page 10, lines 1–15, rewrite the lines to read:
"'(b1) Development by each school of strategies for attaining local school and student performance goals. — The principal of each school, representatives of the

assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a building-level plan to address school and student performance goals appropriate to that school from those established by the local board of education. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student outcomes; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school and student performance goals at the building level. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation. The strategies for attaining local school and student performance goals shall include a plan for the use of staff development funds that may be made available to the school by the local board of education to implement the building-level plan. ~~These~~ The strategies may include a decision to use State funds allocated for teacher assistants to reduce class size or the student-teacher ratio in kindergarten through the third grade in accordance with G.S. 115C-238.2(b)(5a) or to use State funds in accordance with G.S. 115C-238.2(b)(5b). The strategies may also include requests for waivers of State laws, regulations, or policies for that school. A request for a waiver shall (i) identify the State laws, regulations, or policies that inhibit the local unit's ability to reach its local accountability goals, (ii) set out with specificity the circumstances under which the waiver may be used, and (iii) explain how a waiver of those laws, regulations, or policies will permit the local unit to reach its local goals.

Support among affected staff members is essential to successful implementation of a building-level plan to address school and student performance goals appropriate to a school; therefore, the principal of the school shall present the proposed building-level plan to all of the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for their review and vote. The vote shall be by secret ballot. The principal may submit the building-level plan to the local board of education for inclusion in the systemwide plan only if the proposed building-level plan has the approval of a majority of the staff who voted on the plan.

The local board of education shall accept or reject the building-level plan. The local board shall not make any substantive changes in any building-level plan that it accepts; the local board shall set out any building-level plan that it accepts in the systemwide plan. If the local board rejects a building-level plan, the local board shall state with specificity its reasons for rejecting the plan; the school improvement team may then prepare another plan, present it to the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for a vote, and submit it to the local board for inclusion in the systemwide plan. If no building-level plan is accepted for a school before March 15 of the fiscal year preceding the fiscal year in which participation is sought, the local board may develop a plan for the school for inclusion in the systemwide plan; the General Assembly urges the local board to utilize the proposed building-level plan to the maximum extent possible when developing such a plan.'";

and on page 10, lines 18–39, rewrite the lines to read:

"'(a) Prior to June 30 each year, the State Superintendent shall review local school improvement plans submitted by the local school administrative units in accordance with policies and standards adopted by the State Board of Education and shall recommend to the State Board of Education whether the plan should be approved. If the State Board of Education approves the plan for a local school administrative unit, that unit shall participate in the Program for the next fiscal year.

If a local plan contains a request for a waiver of State laws, regulations, or policies, in accordance with G.S. 115C–238.3(b1) or (b2), the State Superintendent shall consider and recommend to the State Board of Education whether and to what extent the identified laws, regulations, or policies should be waived. If the State Board of Education deems it necessary to do so to enable a local unit to reach its local accountability goals, the State Board may grant waivers of:

(1) State laws pertaining to class size, teacher certification, ~~assignment of teacher assistants,~~ the use of State–adopted textbooks, and the purposes for which State funds for the public schools may be used;"

and on page 11, lines 24–25, insert between the lines the following:

"(5) The State Board shall not grant waivers to permit funds under the Teacher Assistant allotment category to be used for any purpose other than for personnel (i) to serve students only in kindergarten through third grade, or (ii) to serve students primarily in kindergarten through third grade when the personnel are assigned to an elementary school to serve the whole school.";

and on page 16, lines 2–3, insert between the lines the following new section:

"Sec. 25. (a) Notwithstanding G.S. 115C–238.2(b)(5a), the State Board of Education shall authorize pilot projects in the Mecklenburg County School Administrative Unit and in the Burke County School Administrative Unit so that the boards of education in those units may use State funds from the allotment for Teacher Assistants for certificated teachers in order to reduce class size or the student–teacher ratio in kindergarten through third grade, in accordance with local school improvement plans developed under G.S. 115C–238.3. No waivers from the State Board of Education are required for this use of funds.

(b) The State Board of Education shall evaluate programs initiated by local school administrative units using teacher assistant funds to reduce class size or the student–teacher ratio in kindergarten through third grade. The Board shall make an appropriate evaluation of the positions affected, the effect on student achievement, and any other factors the Board considers appropriate. The Board shall report the results of the evaluation to the Joint Legislative Education Oversight Committee on or before October 1, 1996, and annually thereafter through October 1, 1999.";

and renumber the remaining section accordingly.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 10, 1995.

July 12, 1995

S/Leslie Winner
S/Roy Cooper
S/Dan R. Simpson

Conferees for the Senate

S/Jean Preston
S/Jerry C. Dockham
S/Robert Grady
S/Anne C. Barnes

Conferees for the House of Representatives

The Chair orders, without objection, the Conference Report temporarily displaced.

CALENDAR (Continued)

S.B. 752 (House Committee Substitute), a bill to clarify the authority of counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district and to allow under certain circumstances the maintenance of public roads lying outside the district, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll–call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—50.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 166 (House Committee Substitute), a bill to amend certain provisions of law that regulate attorneys–at–law, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (49–1) and the measure is ordered enrolled.

WITHDRAWAL FROM CALENDAR

S.B. 135 (Committee Substitute No. 2), a bill to provide that petroleum overcharge funds and funds from the Worker Training Trust Fund appropriated for the 1993 fiscal biennium shall not revert, placed earlier today on the Calendar for Thursday, July 13.

Senator Plyler offers a motion the Committee Substitute bill No. 2 be taken from the Calendar for Thursday, July 13, and placed before the Senate for immediate consideration, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 taken from the Calendar for Thursday, July 13, and places it before the Senate for immediate consideration upon concurrence.

With unanimous consent, the President grants a leave of absence at 9:53 A.M. for a portion of today's Session to Senator Kincaid to present a bill under his sponsorship to a committee of the House of Representatives.

The Senate concurs in the House Amendment No. 1 (48–0) and the measure is ordered enrolled.

RECALL

S.B. 649, a bill to authorize sweet potato assessments to be paid by producers of sweet potatoes, which changes the title, upon concurrence, to read **S.B. 649** (House Committee Substitute), a bill concerning sweet potatoes, ordered held in the Office of the Principal Clerk on May 31.

Senator Rand offers a motion the rules be suspended to the end the House Committee Substitute bill be taken from the Office of the Principal Clerk and placed before the Senate for immediate consideration upon concurrence, which motions prevail with unanimous consent.

The Senate fails to concur in the House Committee Substitute bill (2–47).

Senator Rand offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Bills received, read, and ordered held in the Office of the Principal Clerk pending referral to committee are presented to the Senate and disposed of, as follows:

H.B. 626 (Committee Substitute No. 2), a bill to create fire districts in Scotland County, ordered held in the Office of the Principal Clerk earlier today.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re–referred to the **Finance Committee**.

H.B. 952 (Committee Substitute), a bill to establish the North Carolina Bridge Authority, ordered held in the Office of the Principal Clerk earlier today.

Referred to **Finance Committee.**

CONFERENCE REPORT

H.B. 6 (Senate Committee Substitute), a bill to grant additional management flexibility to local boards of education, to ensure that local boards of education are held accountable for the use of that flexibility, to assess the relationship between expenditures for public schools and student performance, and to make conforming statutory changes, with the Conference Report submitted and temporarily displaced earlier today.

Without objection, the Chair orders the Conference Report placed on the Calendar for Thursday, July 13, for adoption.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 649, a bill to authorize sweet potato assessments to be paid by producers of sweet potatoes, changing the title, upon concurrence, to read **S.B. 649** (House Committee Substitute), a bill concerning sweet potatoes, with the appointment of conferees under the advisement of the President *Pro Tempore*.

The President *Pro Tempore* appoints Senator Albertson, Chairman, and Senators Speed, Warren, Davis, Soles, Lucas, and Horton as conferees on the part of the

Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 320 (House Committee Substitute), a bill to be known as the North Carolina Uniform Custodial Trust Act and to make conforming amendments to the power of attorney statutes, as recommended by the General Statutes Commission, with appointment of conferees taken under advisement by the President *Pro Tempore* on July 11.

The President *Pro Tempore* appoints Senator Hartsell, Chairman, and Senators Gulley and Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 353 (Senate Committee Substitute No. 2), a bill to implement the recommendations of the Governor's Task Force on Driving While Impaired, with a the message from the House of Representatives received earlier today requesting conferees.

With unanimous consent, the President *Pro Tempore* appoints Senator Odom, Chairman, and Senators Cooper, Ballantine, Forrester, and Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Basnight, seconded by Senator Forrester, the Senate adjourns at 10:10 A.M. to meet tomorrow, Thursday, July 13, at 10:00 A.M.

NINETY-NINTH DAY

SENATE CHAMBER,
Thursday, July 13, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, the Hebrew psalmist knew what it was like to be separated from homeland, friends and family, captive to an agenda that was not his own or necessarily to his liking. Yet even during times as difficult as the Babylonian Exile, he was able to say with a glad understanding of Whose he was, these words:

This is the day the Lord has made,
Let us rejoice and be glad in it.

"Let us, likewise, take heart. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Sawyer.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, July 12, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Hubert D. Tyndall of Goldsboro, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 4 (House Committee Substitute), an act to repeal the law providing that a defendant may choose imprisonment rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense. (Ch. 429)

S.B. 135 (Committee Substitute No. 2), an act to provide that petroleum overcharge funds and funds from the Worker Training Trust Fund appropriated for the 1993 fiscal biennium shall not revert. (Ch. 430)

S.B. 166 (House Committee Substitute), an act to amend certain provisions of law that regulate attorneys–at–law. (Ch. 431)

S.B. 663 (House Committee Substitute), an act making a qualified exception for the City of Wilmington and New Hanover County from the Public Records Act for certain geographical information systems. (Ch. 432)

S.B. 689 (House Committee Substitute), an act to provide for special registration plates for supporters of the Olympic Games and square dance clubs. (Ch. 433)

S.B. 752 (House Committee Substitute), an act to clarify the authority of counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district and to allow under certain circumstances the maintenance of public roads lying outside the district. (Ch. 434)

S.B. 453, an act to make changes in the Prospective Teachers Scholarship Loan Program. (Ch. 435)

H.B. 311 (Senate Committee Substitute No. 2), an act to make use of a counterfeit trademark a crime in North Carolina, and to modify the civil remedies available for fraudulent registration of a trademark and infringement of a trademark. (Ch. 436)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence which are read and disposed of, as follows:

S.B. 159 (House Committee Substitute No. 2), a bill to rewrite Chapter 48 of the General Statutes relating to adoption as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill No. 2, which is placed on the Calendar for the next legislative day.

S.B. 388 (House Committee Substitute No. 2), a bill to amend the pesticide law, for concurrence in the House Committee Substitute bill No. 2, which is placed on the Calendar for the next legislative day.

S.B. 668, a bill to remove the sunset from the statute permitting private contract participation by the Department of Transportation, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for the next legislative day.

S.B. 864, a bill to require adult care homes to submit annual audited reports of actual costs and to require the Department of Human Resources to adopt rules to ensure quality of care in adult care homes, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 864** (House Committee Substitute), a bill to require domiciliary care homes to submit annual audited reports of actual costs and to require the Department of Human Resources to adopt rules to ensure quality of care in domiciliary care homes, which is placed on the Calendar for the next legislative day.

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 305 (Committee Substitute), a bill to further extend expiring provisions.
The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 555 (Committee Substitute No. 2), a bill to create a North Carolina Boxing Commission.
Referred to **Finance Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 6
(House Committee Substitute)

House of Representatives
July 12, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **SB 6,** A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH RIGHTS FOR VICTIMS OF CRIME. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Chair orders the House Committee Subsitute bill enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 320
(House Committee Substitute)

House of Representatives
July 12, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **SB 320**, A BILL TO BE ENTITLED AN ACT TO BE KNOWN AS THE NORTH CAROLINA UNIFORM CUSTODIAL TRUST ACT AND TO MAKE CONFORMING AMENDMENTS TO THE POWER OF ATTORNEY STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, the Speaker has appointed as conferees on the part of the House,

Representative Daughtry,
Representative Linney, and
Representative W. Brown

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 415
(House Committee Substitute)

House of Representatives
July 12, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **SB 415**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MERGER OF BANKS AND SAVINGS INSTITUTIONS, which proposes to change the title, upon concurrence, to **SB 415**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MERGER OF BANKS AND SAVINGS INSTITUTIONS AND TO LIMIT THE SIMULTANEOUS CONVERSION/MERGERS OF MUTUAL AND STOCK INSTITUTIONS, the Speaker has appointed as conferees on the part of the House,

Representative Tallent, Chair,
Representative Church,
Representative R. Hunter, and
Representative Allred

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 649
(House Committee Substitute)

House of Representatives
July 12, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **SB 649**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SWEET POTATO ASSESSMENTS TO BE PAID BY PRODUCERS OF SWEET POTATOES, which proposes to change the title, upon concurrence, to read, **SB 649,** A BILL TO BE ENTITLED AN ACT CONCERNING SWEET POTATOES, the Speaker has appointed as conferees on the part of the House,

Representative John Brown
Representative Arnold
Representative Mitchell
Representative Russell,
Representative Carpenter,
Representative Fox, and
Representative J. Robinson

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 353
(Senate Committee Substitute)

House of Representatives
July 12, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the Speaker has added Representative Culpepper as a Conferee on Senate Committee Substitute to **HB 353**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 718
(Senate Committee Substitute)

House of Representatives
July 12, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute to **HB 718**, A BILL TO BE ENTITLED AN ACT TO EARMARK FUNDS FOR THE PARKS AND RECREATION TRUST FUND AND THE NATURAL HERITAGE TRUST FUND, which proposes to change the title, upon concurrence, to read **HB 718**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NORTH CAROLINA PARKS AND RECREATION AUTHORITY AND TO EARMARK FUNDS FOR THE PARKS AND RECREATION TRUST FUND AND THE NATURAL HERITAGE TRUST FUND, the Speaker has appointed as conferees on the part of the House,

Representative Gray, and
Representative Black

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

ADDITIONAL ENDORSEMENT

Senator Ballance requests to be recorded endorsing a joint resolution previously introduced:

S.J.R. 1100, a joint resolution honoring the contributions of the 82nd Airborne Division and remembering the twenty–four paratroopers from the 82nd Airborne Division who lost their lives during a routine training mission on March 23, 1994.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 491, a bill to authorize the Town of Highlands to levy a room occupancy and tourism development tax, for concurrence in the House committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 491** (House Committee Substitute), a bill to modify the minimum streamflow required in the length of the stream affected by certain dams operated by small hydroelectric power producers, upon second reading.

The Chair rules the House Committee Substitute bill changes the local bill to a public bill and further rules the measure does not require a call of the roll.

The Senate concurs in the House Committee Substitute bill on second (42–3) and third readings and the measure is ordered enrolled.

COMMITTEE REFERRAL RECALL

S.B. 570 (Committee Substitute), a bill to direct the Joint Legislative Utility Review Committee to study whether the extension of an interstate natural gas pipeline should be encouraged by exempting generation facilities served by that pipeline from regulation as public utilities, changing the title, upon concurrence to read **S.B. 570** (House Committee Substitute), a bill to restructure the Lexington Utilities Commission, referred to the **Rules and Operation of the Senate Committee** on July 7.

Pursuant to Rule 47(b), Senator Rand offers a motion the rules be suspended and the House Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for today in its regular order of business, which motions prevail with unanimous consent.

The Chair orders the House Committee Substitute bill recalled from the **Rules and Operation of the Senate Committee** and places it on the Calendar for today in its regular order of business, for consideration upon concurrence.

CALENDAR (Continued)

H.B. 305 (Committee Substitute), a bill to further extend expiring provisions, received from the House of Representatives and temporarily displaced earlier.

Senator Plyler offers a motion the rules be suspended to the end the Committee Substitute bill be placed before the Senate for immediate consideration upon its passage.

The Committee Substitute bill passes its second (45–2) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

H.B. 281 (Committee Substitute No. 2), a bill to create the Residential Property Disclosure Act, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the Committee Substitute bill No. 2, as amended, re–referred to the **Finance Committee**.

By Senator Sherron for the **Finance Committee**:

H.B. 360, a bill to exempt railroads from payment of sales tax on diesel fuel used by locomotives and railroad cars, with a favorable report.

S.B. 572, a bill to provide for surety bonds for small businesses that contract with governmental agencies, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill 1756 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Sherron, the Committee Substitute bill is placed on the Calendar for the next legislative day, for further consideration.

H.B. 3 (Committee Substitute), a bill to provide governmental accountability and protection to the taxpayers by limiting increases in the General Fund budget, reforming the budget process, establishing an Emergency Reserve Trust Fund, and prohibiting unfunded State mandates, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill 3184, which changes the title upon concurrence, to read **H.B. 3** (Senate Committee Substitute), a bill to protect the taxpayers of North Carolina by limiting increases in the General Fund budget, prohibiting unfunded State mandates, and establishing other taxpayer rights, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for the next legislative day, for further consideration.

CALENDAR (Continued)

H.B. 637 (Senate Committee Substitute No. 2), a bill to amend the law regarding products liability.

With unanimous consent, on motion of Senator Cooper, consideration of the Senate Committee Substitute bill No. 2 is postponed until the next legislative day.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rand for the **Rules and Operation of the Senate Committee**:

S.B. 275, a bill to restore the Lieutenant Governor to part-time status as that Office was prior to 1973, with an unfavorable report.

S.B. 611, a bill relating to the City of Fayetteville, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rand, the rules are suspended, and the proposed Committee Substitute bill 7715, which changes the title to read **S.B. 611** (Committee Substitute), a bill to increase fees in the General Court of Justice and to eliminate the exemption from court costs for seat belt violations, is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

S.B. 703, a bill to streamline, consolidate, and make more efficient all economic development functions in State government, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rand, the rules are suspended, and the proposed Committee Substitute bill 8675, which changes the title to read **S.B. 703** (Committee

Substitute), a bill to streamline, consolidate, and make more efficient the economic development activities and functions of State government, is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Committee Substitute bill is adopted, and on his further motion, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.J.R. 535, a joint resolution honoring the veterans of North Carolina who served during World War II, with a favorable report.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 305 (Committee Substitute), an act to further extend expiring provisions. (Ch. 437)

CALENDAR (Continued)

S.B. 229 (House Committee Substitute), a bill to remove impediments and disincentives to donating conservation land or preservation structures or sites, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: Senator Clark—1.

The House Committee Substitute bill remains on the Calendar for the next legislative day, for further consideration upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plyler for the **Appropriations Committee**:

H.B. 230 (Committee Substitute), a bill to appropriate funds to provide expansion expenditures and capital improvements for State departments, institutions, and agencies, and for other purposes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Plyler, the proposed Senate Committee Substitute bill 5172 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re–referred to the **Pensions and Retirement/Insurance/State Personnel Committee.**

With unanimous consent, on motion of Senator Soles, the Senate recesses at 10:58 A.M. for the purpose of a meeting of the **Pensions and Retirement/ Insurance/State Personnel Committee,** to reconvene at 11:00 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill for concurrence, which is read and disposed of, as follows:

S.B. 606 (House Committee Substitute), a bill to provide for the creation of facility authorities and to establish the Centennial Authority, for concurrence in the House Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, without objection, and the House Committee Substitute bill is placed at the end of the Calendar for today for consideration upon concurrence.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 6 House of Representatives
(Senate Committee Substitute) July 13, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to **HB 6,** A BILL TO BE ENTITLED AN ACT TO GRANT ADDITIONAL MANAGEMENT FLEXIBILITY TO LOCAL BOARDS OF EDUCATION, TO ENSURE THAT LOCAL BOARDS OF EDUCATION ARE HELD ACCOUNTABLE FOR THE USE OF THAT FLEXIBILITY, TO ASSESS THE RELATIONSHIP BETWEEN EXPENDITURES FOR PUBLIC SCHOOLS AND STUDENT PERFORMANCE, AND TO MAKE CONFORMING STATUTORY CHANGES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 718, a bill to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund, changing the title, upon concurrence, to read

H.B. 718 (Senate Committee Substitute), a bill to establish a North Carolina Parks and Recreation Authority and to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund, with a message from the House of Representatives received earlier today requesting conferees.

Senator Sherron offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

COMMITTEE REFERRAL RECALL

S.B. 584, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University, referred to the **Appropriations Committee** on June 28.

Pursuant to Rule 47(b), Senator Plyler offers a motion the bill be taken from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and places it before the Senate for immediate consideration, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—45.

Voting in the negative: Senators Ballantine, Clark, and Webster—3.

The bill is ordered placed on the Calendar for the next legislative day, for further consideration upon third reading.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 718, a bill to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund, changing the title, upon concurrence, to read **H.B. 718** (Senate Committee Substitute), a bill to establish a North Carolina Parks and Recreation Authority and to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund, with the appointment of conferees taken under advisement by the President *Pro Tempore*.

The President *Pro Tempore* appoints Senator Sherron, Chairman, and Senators Kerr and Ballantine as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee:**

H.B. 230 (Senate Committee Substitute), a bill to appropriate funds to provide expansion expenditures and capital improvements for State departments, institutions, and agencies, and for other purposes, with a favorable report.

On motion of Senator Soles, the rules are suspended to the end the Senate Committee Substitute bill is placed before the Senate for immediate consideration upon its passage.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

COMMITTEE REFERRAL RECALL

H.B. 390, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University, referred to the **Appropriations Committee** on June 6.

Pursuant to Rule 47(b), Senator Plyler offers a motion the bill be recalled from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and places it before the Senate for immediate consideration, upon second reading.

The bill passes its second reading by roll–call vote, ayes 42, noes 4, as follows:

Voting in the affirmative: Senators Allran, Ballance, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—42.

Voting in the negative: Senators Ballantine, Clark, Page, and Webster—4.

The bill is ordered placed on the Calendar for the next legislative day, for further consideration upon third reading.

CALENDAR (Continued)

H.B. 230 (Senate Committee Substitute), a bill to appropriate funds to provide expansion expenditures and capital improvements for State departments, institutions, and agencies, and for other purposes, temporarily displaced earlier.

Without objection, the rules are suspended to allow the Fiscal Staff privileges of the floor to assist with explanation of the Senate Committee Substitute bill.

Senator Plyler offers Amendment No. 1 which is adopted (46–0).

Senator Plyler offers Amendment No. 2 which is adopted (43–4).

Senator Cochrane offers Amendment No. 3, which she subsequently withdraws.

Senator Foxx offers Amendment No. 4.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Senator Foxx continues to explain Amendment No. 4.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Amendment No. 4, offered by Senator Foxx, fails of adoption (19–26).

Senator Horton offers Amendment No. 5.

Senator McKoy offers Amendment No. 6 perfecting Amendment No. 5, which he subsequently withdraws, with unanimous consent.

Senator Plyler calls the previous question on Amendment No. 5, seconded by Senator Rand. The call is sustained. Amendment No. 5, offered by Senator Horton, fails of adoption (22–26).

Senator Cochrane offers Amendment No. 7 which is adopted (45–2).

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Senator McDaniel offers a motion to divide the Senate Committee Substitute bill pursuant to Rule 28. The Chair rules the measure can be divided only by amendment.

Senator Ballantine offers Amendment No. 8. Senator Perdue, pursuant to Rule 42.1, requests a fiscal note on Amendment No. 8. The Chair rules Amendment No. 8 requires a fiscal note, and displaces Amendment No. 8, for receipt of a fiscal note.

Senator Davis offers Amendment No. 9 which fails of adoption (16–31).

Senator McDaniel offers Amendment No. 10 requesting a division of the Senate Committee Substitute bill pursuant to Rule 28. The Chair rules Amendment No. 10 out of order.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Senator Davis offers Amendment No. 11 which fails of adoption (21–28).

Senator Webster offers Amendment No. 12, with a fiscal note attached.

Senator Kerr rises to a point of order, pursuant to Rule 42(b), that Amendment No. 12 affecting the taxing power of the State requires review by the **Finance Committee** before further consideration by the Senate. The Chair rules referral to the **Finance Committee** is required upon adoption of Amendment No. 12 and sustains the point of order.

Senator Webster calls the previous question on Amendment No. 12, seconded by Senator Ballantine. The call is sustained (40–8). Amendment No. 12, offered by Senator Webster, fails of adoption (23–26).

Senator Webster offers Amendment No. 13. Following debate, Senator Plyler calls the previous question on Amendment No. 13, seconded by Senator Rand. The call is sustained. Amendment No. 13, offered by Senator Webster, fails of adoption (23–26).

Senator Webster offers Amendment No. 14. Senator Webster calls the previous question on Amendment No. 14, seconded by Senator McDaniel. The call is sustained. Amendment No. 14, offered by Senator Webster, fails of adoption (21–28).

Senator Plyler calls the previous question, seconded by Senator Conder.

Senator Ballantine rises to a point of order as to the status of Amendment No. 8, displaced earlier. The Chair rules Amendment No. 8 not before the Senate and the call for the previous question takes precedence over Amendment No. 8 which is displaced pending receipt of a fiscal note. The call for the previous question is sustained (25–22).

The Senate Committee Substitute bill, as amended, passes its second reading (27–22).

With unanimous consent, the Senate Committee Substitute bill, as amended, remains before the Senate, upon third reading.

Senator Hoyle offers Amendment No. 15 which he subsequently withdraws, with unanimous consent.

Senator Plyler calls the previous question, seconded by Senator Conder. The call is sustained.

The Senate Committee Substitute bill, as amended, passes its third reading (27–22).

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

S.B. 570 (Committee Substitute), a bill to direct the Joint Legislative Utility Review Committee to study whether the extension of an interstate natural gas pipeline should be encouraged by exempting generation facilities served by that pipeline from regulation as public utilities, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 570** (House Committee Substitute), a bill to restructure the Lexington Utilities Commission, placed earlier today on the Calendar, upon concurrence.

With unanimous consent, on motion of Senator Rand, the House Committee Substitute bill is taken up out of its regular order of business.

The Senate concurs in the House Committee Substitute bill (47–1) and the measure is ordered enrolled.

CONFERENCE REPORT

H.B. 718 (Senate Committee Substitute)

Senator Sherron, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 718**, a bill to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund, which Senate Committee Substitute bill proposes to change the title, upon concurrence, to read **H.B. 718** (Senate Committee Substitute), a bill to establish a North Carolina Parks and Recreation Authority and to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 718, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NORTH CAROLINA PARKS AND RECREATION AUTHORITY AND TO EARMARK FUNDS FOR THE PARKS AND RECREATION TRUST FUND AND THE NATURAL HERITAGE TRUST FUND, Senate Appropriations Committee Substitute Adopted 7/5/95, submit the following report:

The House and Senate agree to the following amendments to the Senate Appropriations Committee Substitute Adopted 7/5/95, and the House concurs in the Senate Committee Substitute, as amended:

on page 1, lines 19 – 23, delete the lines;
and on page 2, lines 1 – 10, renumber the remaining subdivisions.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July , 1995.

S/John H. Kerr III	S/Lyons Gray
S/J.K. Sherron Jr.	S/James B. Black
S/Patrick J. Ballantine	
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Sherron, the Conference Report is adopted (48–0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

S.B. 237 (House Committee Substitute)

Senator Kerr for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 237** (Committee Substitute), a bill to clarify the use value tax law, to update the law to conform to modern family property transactions, and to expand the category of relatives who may qualify for use value property transfers, which House Committee Substitute bill proposes to change the title, upon concurrence, to read **S.B. 237** (House Committee Substitute), a bill to clarify the use value tax law, to update the law to conform to modern family property transactions, and to expand the category of relatives who may qualify for use value property transfers, submits the following report for adoption, which proposes to further change the title, upon adoption, to read **S.B. 237** (House Committee Substitute), a bill to clarify the use value tax law, to update the law to conform to modern family property transactions, and to expand the category of persons who may qualify for use value property transfers:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 237, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE USE VALUE TAX LAW, TO UPDATE THE LAW TO CONFORM TO MODERN FAMILY PROPERTY TRANSACTIONS, AND TO EXPAND THE CATEGORY OF RELATIVES WHO MAY QUALIFY FOR USE VALUE PROPERTY TRANSFERS, Fifth Edition Engrossed 7/6/95, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute, Fifth Edition Engrossed, and the Senate concurs in the House Committee Substitute, Fifth Edition Engrossed, as amended:

on page 1, line 4, delete the word "RELATIVES" and substitute the word "PERSONS";

and on page 3, lines 12 – 16,
rewrite those lines to read:

"d. A testamentary trust that meets all of the following conditions:

1. It was created by a natural person who transferred to the trust land that qualified in that person's hands for classification under G.S. 105–277.3.
2. At the time of the creator's death, the creator had no relatives as defined in this section as of the date of death.
3. The trust income, less reasonable administrative expenses, is used exclusively for educational, scientific, literary, cultural, charitable, or religious purposes as defined in G.S 105–278.3(d)."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 13, 1995.

S/John H. Kerr III	S/Willis D. Brown
S/Charles W. Albertson	S/Charles F. Buchanan
S/Donald R. Kincaid	S/Billy James Creech
S/James D. Speed	S/Linwood E. Mercer
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Kerr, the Conference Report is adopted (48–0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

H.B. 65 (Senate Committee Substitute)

Senator Plexico for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives **H.B. 65** (Committee Substitute), a bill to require the display of the United States flag in every public school classroom, to encourage the display of the North Carolina flag in every public school classroom, to require students in the public schools to recite the pledge of allegiance every day, to encourage the display of the United States and North Carolina flags and the recitation of the pledge of allegiance in private schools and home schools, and to encourage donations of flags to be displayed in every public school classroom, which Senate Committee Substitute bill proposes to change the title, upon concurrence, to read **H.B. 65** (Senate Committee Substitute), a bill to encourage the display of the United States and North Carolina flags in public school classrooms, to encourage the recital of the Pledge of Allegiance in the public schools, to direct the State Board of Education to develop model guidelines

for implementing this act, and to encourage donations of flags to be displayed in public school classrooms, submits the following report for adoption, which proposes to further change the title, upon adoption, to read **H.B. 65** (Senate Committee Substitute), a bill to allow the display of the United States and North Carolina flags in public school classrooms and to encourage the recital of the Pledge of Allegiance in the public schools:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 65, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE DISPLAY OF THE UNITED STATES AND NORTH CAROLINA FLAGS IN PUBLIC SCHOOL CLASSROOMS, TO ENCOURAGE THE RECITAL OF THE PLEDGE OF ALLEGIANCE IN THE PUBLIC SCHOOLS, TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP MODEL GUIDELINES FOR IMPLEMENTING THIS ACT, AND TO ENCOURAGE DONATIONS OF FLAGS TO BE DISPLAYED IN PUBLIC SCHOOL CLASSROOMS, Senate Education/Higher Education Committee Substitute Adopted 6/7/95, submit the following report:

The House and Senate agree to the following amendment to the Senate Education/Higher Education Committee Substitute Adopted 6/7/95, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached Proposed Conference Committee Substitute PCCS 6182.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 12, 1995.

S/J. Clark Plexico	S/Ken J. Miller
S/Leslie Winner	S/Richard T. Morgan
S/Austin M. Allran	S/Michael S. Wilkins
Conferees for the Senate	*Conferees for the House of Representatives*

The text of the attached proposed Conference Committee Substitute bill 6182, is as follows:

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE DISPLAY OF THE UNITED STATES AND NORTH CAROLINA FLAGS IN PUBLIC SCHOOL CLASSROOMS AND TO ENCOURAGE THE RECITAL OF THE PLEDGE OF ALLEGIANCE IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C–47 is amended by adding a new subdivision to read:

"(29a) To Encourage the Display of the United States and North Carolina Flags, and to Encourage the Recitation of the Pledge or Oath of Allegiance. — Local boards of education are encouraged to adopt policies to (i) provide for the display of the United States and North Carolina flags in each classroom, (ii) provide the opportunity for students to recite the Pledge or Oath of Allegiance on a regular basis, and (iii) provide age–appropriate instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. These policies shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance. If flags are donated or are otherwise available, flags shall be displayed in each classroom."

Sec. 2. This act is effective upon ratification. Section 1 of this act shall be fully implemented no later than January 1, 1996.

On motion of Senator Plexico, the Conference Report is adopted (47–1), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plexico for the **Education/Higher Education Committee**:

H.B. 481 (Senate Committee Substitute), a bill to require consent for an unemancipated minor's abortion, with an unfavorable report as to Senate Committee Substitute bill No. 1 as written by the **Judiciary II/Election Laws Committee**, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Plexico, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, 8219, which changes the title, upon concurrence to read **H.B. 481** (Senate Committee Substitute No. 2), a bill to require parental or judicial consent for an unemancipated minor's abortion, is placed before the Senate for immediate consideration.

On motion of Senator Plexico, the Senate Committee Substitute bill No. 2, is adopted, and on his further motion is placed on the Calendar for the next legislative day, for further consideration.

With bills remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns at 2:55 P.M. to meet Monday, July 17, at 3:00 P.M.

ONE HUNDREDTH DAY

SENATE CHAMBER,
Monday, July 17, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Righteous and Loving God, this will be a very important week in the Senate Chamber. The eyes and ears of the people of our State will be focused and attuned to what goes on here.

"So we pray today earnestly but with brevity, that You will help the Senators know where to doubt in their deliberations, where to feel certain, and where to submit.

"God, impart Your Presence, Mercy, and Guidance upon us all and grant this prayer. For Your Sake, Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, July 13, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 6 (House Committee Substitute), an act to amend the Constitution of North Carolina to establish rights for victims of crime. (Ch. 438)

S.B. 491 (House Committee Substitute), an act to modify the minimum streamflow required in the length of the stream affected by certain dams operated by small hydroelectric power producers. (Ch. 439)

H.B. 222 (Senate Committee Substitute), an act to make a technical correction to G.S. 120–70.2 regarding filling of vacancies on the Joint Legislative Utility Review Committee as recommended by the Joint Legislative Utility Review Committee and providing for the confirmation of the appointment of Jo Anne Sanford to membership on the North Carolina Utilities Commission and of the appointment of Robert P. Gruber as Executive Director of the Public Staff of the North Carolina Utilities Commission. (Ch. 440)

H.B. 694 (Committee Substitute No. 2), an act to provide for private service of process in Wake County. (Ch. 441)

S.B. 570 (House Committee Substitute), an act to restructure the Lexington Utilities Commission. (Ch. 442)

CALENDAR

Bills on the Calendar carried forward as unfinished business from Thursday, July 13, are taken up and disposed of, as follows:

S.B. 258 (House Committee Substitute), a bill to clarify the record-keeping responsibilities of clerks of superior court in IV-D child support cases, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (39-0) and the measure is ordered enrolled.

S.B. 404 (House Committee Substitute), a bill to modify the criteria for selection and sentencing to IMPACT, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled.

S.B. 792, a bill to provide that the forfeiture roll for bail bonds ordered forfeited in the district court may be heard in the district court, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 792** (House Committee Substitute), a bill to amend the bail bond forfeiture procedure provided by Article 26 of Chapter 15A of the General Statutes.

The Senate concurs in the House Committee Substitute bill (40-0) and the measure is ordered enrolled.

H.B. 6 (Senate Committee Substitute), a bill to grant additional management flexibility to local boards of education, to ensure that local boards of education are held accountable for the use of that flexibility, to assess the relationship between expenditures for public schools and student performance, and to make conforming statutory changes, Conference Report, for adoption, submitted Wednesday, July 12.

On motion of Senator Winner, the Senate adopts the Conference Report (45-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 584, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University, upon third reading.

With unanimous consent, on motion of Senator Sherron, the bill is recommitted to the **Finance Committee**.

With unanimous consent, the President grants leaves of absence for the remainder of today's session to Senator Ballance and Senator Warren.

H.B. 390, a bill to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page,

Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, and Winner—43.

Voting in the negative: Senators Ballantine, Clark, and Webster—3.

The bill is ordered enrolled.

H.B. 3 (Committee Substitute), a bill to provide governmental accountability and protection to the taxpayers by limiting increases in the General Fund budget, reforming the budget process, establishing an Emergency Reserve Trust Fund, and prohibiting unfunded State mandates, changing the title, upon concurrence, to read **H.B. 3** (Senate Committee Substitute), a bill to protect the taxpayers of North Carolina by limiting increases in the General Fund budget, prohibiting unfunded State mandates, and establishing other taxpayer rights, upon second reading.

On motion of Senator Kerr, the Senate Committee Substitute bill is taken up out of its regular order of business and on his further motion, consideration of the Senate Committee Substitute bill is postponed until Tuesday, July 18.

S.B. 572 (Committee Substitute), a bill to provide for surety bonds for small businesses that contract with governmental agencies, upon second reading.

Upon the appearance of Senator Warren in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Senator Kincaid offers Amendment No. 1.

With unanimous consent, the Chair grants a leave of absence for the remainder of today's Session to Senator Speed.

Amendment No. 1, offered by Senator Kincaid, is adopted (45–1).

The Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 40, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Clark, Cochrane, Cooper, Dannelly, Edwards, Forrester, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Warren, and Winner—40.

Voting in the negative: Senators Carrington, Davis, East, Page, and Webster—5.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, July 18, for further consideration upon third reading.

H.B. 360, a bill to exempt railroads from payment of sales tax on diesel fuel used by locomotives and railroad cars.

The bill passes its second reading (46–1).

Senator Martin of Pitt objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the bill placed on the Calendar for tomorrow, Tuesday, July 18, for further consideration upon third reading.

H.B. 481, a bill to require parental or judicial consent for an unemancipated minor's abortion, changing the title, upon concurrence, to read **H.B. 481** (Senate Committee Substitute No. 2), a bill to require parental or judicial consent for an unemancipated minor's abortion.

Senator Cooper offers Amendment No. 1.

Upon the appearance of Senator Speed in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Following debate, Amendment No. 1, offered by Senator Cooper, fails of adoption (16–32).

Senator Plexico offers Amendment No. 2 which is adopted (47–0).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading (42–6).

Senator Odom objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the Senate Committee Substitute bill No. 2, as amended, placed on the Calendar for tomorrow, Tuesday, July 18, for further consideration upon third reading.

H.J.R. 535, a joint resolution honoring the veterans of North Carolina who served during World War II.

The joint resolution passes its second reading (47–0).

With unanimous consent, the joint resolution passes its third reading, with members standing, and is ordered enrolled.

H.B. 637 (Senate Committee Substitute No. 2), a bill to amend the law regarding products liability.

The Senate Committee Substitute bill No. 2 passes its second (44–2) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 229 (House Committee Substitute), a bill to remove impediments and disincentives to donating conservation land or preservation structures or sites, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 159 (House Committee Substitute No. 2), a bill to rewrite Chapter 48 of the General Statutes relating to adoption as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The House Committee Substitute bill No. 2 remains on the Calendar for tomorrow, Tuesday, July 18, for further consideration upon third reading.

S.B. 606 (House Committee Substitute), a bill to provide for the creation of facility authorities and to establish the Centennial Authority, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll–call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Smith, Soles, Speed, Warren, and Winner—45.

Voting in the negative: Senators Page and Webster—2.

The House Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, July 18, for further consideration upon third reading.

S.B. 388 (House Committee Substitute No. 2), a bill to amend the pesticide law, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (45–2) and the measure is ordered enrolled.

Upon the appearance of Senator Ballance in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.B. 668, a bill to remove the sunset from the statute permitting private contract participation by the Department of Transportation, for concurrence in House Amendments No. 1 and No. 2.

The Senate concurs in House Amendments No. 1 and No. 2 (48–1) and the bill is ordered enrolled.

S.B. 864, a bill to require adult care homes to submit annual audited reports of actual costs and to require the Department of Human Resources to adopt rules to ensure quality of care in adult care homes, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 864** (House Committee Substitute), a bill to require domiciliary care homes to submit annual audited reports of actual costs and to require the Department of Human Resources to adopt rules to ensure quality of care in domiciliary care homes.

The Senate concurs in the House Committee Substitute bill (49–0) and the measure is ordered enrolled.

H.B. 360, a bill to exempt railroads from payment of sales tax on diesel fuel used by locomotives and railroad cars, ordered earlier today placed on the Calendar for Tuesday, July 18, upon third reading.

With unanimous consent, Senator Martin of Pitt withdraws his objection to third reading, the Senate reconsiders and the bill is taken from the Calendar for Tuesday, July 18, and placed before the Senate for further consideration upon third reading.

The bill passes its third reading (47–1) and is ordered enrolled.

H.B. 481, a bill to require parental or judicial consent for an unemancipated minor's abortion, changing the title upon concurrence to read **H.B. 481** (Senate

Committee Substitute No. 2), a bill to require parental or judicial consent for an unemancipated minor's abortion, as amended, ordered earlier today placed on the Calendar for Tuesday, July 18, upon third reading.

Senator Plexico offers a motion the rules be suspended to the end the Senate Committee Substitute bill No. 2, as amended, be taken from the Calendar for Tuesday, July 18, and placed before the Senate for further consideration upon third reading, which motions prevail with unanimous consent.

The Chair orders the Senate Committee Substitute bill No. 2, as amended, taken from the Calendar for Tuesday, July 18, and places it before the Senate for further consideration upon third reading.

Senator Plexico offers Amendment No. 3 which is adopted (47–2).

The Senate Committee Substitute bill No. 2, as amended, passes its third reading (41–7) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2.

PAGES

The President recognizes the following pages serving in the Senate this week:

Ryan Christopher Aul, Fayetteville; Meredith Brooke Berry, Elizabeth City; Courtney M. Cartwright, Bath; Brett Gerringer Ciccone, Fayetteville; Brent B. Clark, Wendell; Jonathan Braden Collins, Zebulon; Jonathan Lester Cruse, Snow Hill; Leslie Blair Duncan, Chadbourn; Sarah Yvette Ellis, Reidsville; Seth Furr, Raleigh; Joseph Campbell Jenkins, Fayetteville; Wendy B. Johnson, Elizabeth City; Alicia LeRen' Jordan, Chadbourn; Carrie E. B. Leonard, Asheville; Heather Kristen Long, Chadbourn; Margaret Darden Matthews, Raleigh; Nicole Mitchell, Raleigh; Pashia Victoria Noblett, Hendersonville; Laura Lea Raby, Elizabeth City; Moniqua T. Shivers, Rockingham; Edward Hughes Stahl, Raleigh; Caroline Thomas, Rockingham; Catherine Elizabeth Thomas, Wilson; and McKinnon Neal Whitehead, Wilson.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill for concurrence which is read and disposed of, as follows:

S.B. 57 (House Committee Substitute No. 2), a bill to implement the recommendations of the Legislative Research Commission's Committee on Alcoholic Beverage Control and to make other changes in the ABC laws, for concurrence in the House Committee Substitute bill No. 2.

On motion of Senator Conder, the rules are suspended, without objection, and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill No. 2 (3–43).

Senator Conder offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senator Conder, Chairman, and Senators Hoyle, Ballantine, and Carrington as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to

the House of Representatives informing that Honorable Body of such action and requesting conferees.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 230
(Senate Committee Substitute)

House of Representatives
July 17, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute to **HB 230**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE EXPANSION EXPENDITURES AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, the Speaker has appointed as conferees on the part of the House, Representatives Holmes, Esposito and Creech, Co–chairs; Representatives Kiser, Russell, Daughtry, Hayes, Gardner, Bowie, Barbee, Lemmond, Ives, Mitchell, Weatherly, Thompson, Justus, Cummings, Grady, Preston, Crawford, Nye, and Culpepper, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 718
(Senate Committee Substitute)

House of Representatives
July 17, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to **HB 718**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NORTH CAROLINA PARKS AND RECREATION AUTHORITY AND TO EARMARK FUNDS FOR THE PARKS AND RECREATION TRUST FUND AND THE NATURAL HERITAGE TRUST FUND. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, the Speaker has ordered the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 237
(House Committee Substitute)

House of Representatives
July 17, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 237**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE USE VALUE TAX LAW, TO UPDATE THE LAW TO CONFORM TO MODERN FAMILY PROPERTY TRANSACTIONS, AND TO EXPAND THE CATEGORY OF RELATIVES WHO MAY QUALIFY FOR USE VALUE PROPERTY TRANSFERS. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 65
(Senate Committee Substitute)

House of Representatives
July 17, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to **HB 65**, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE DISPLAY OF THE UNITED STATES AND NORTH CAROLINA FLAGS IN PUBLIC SCHOOL CLASSROOMS, TO ENCOURAGE THE RECITAL OF THE PLEDGE OF ALLEGIANCE IN THE PUBLIC SCHOOLS, TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP MODEL GUIDELINES FOR IMPLEMENTING THIS ACT, AND TO ENCOURAGE DONATIONS OF FLAGS TO BE DISPLAYED IN PUBLIC SCHOOL CLASSROOMS. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, the Speaker has ordered the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

REPORTS TO GENERAL ASSEMBLY

A Commission directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to G.S. 131A, the North Carolina Medical Care Commission submits The Health Care Facilities Finance Act Annual Report June 30, 1995.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 230 (Senate Committee Substitute), a bill to appropriate funds to provide expansion expenditures and capital improvements for State departments, institutions, and agencies, and for other purposes, with the message from the House of Representatives received earlier today requesting conferees.

With unanimous consent, the rules are suspended and the President *Pro Tempore* appoints Senator Plyler, Co-Chairman, Senator Perdue, Co-Chairman, Senator Odom, Co-Chairman, and Senators Winner, Plexico, Martin of Pitt, Martin of Guilford, Ballance, Warren, Hoyle, Rand, Conder, Edwards, Forrester, Kerr, Sherron, Gulley, and Jordan as conferees on the part of the Senate to act with a like committee on the part of the House of Representatives to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Basnight, seconded by Senator Warren, the Senate adjourns at 5:43 P.M. to meet tomorrow, Tuesday, July 18, at 10:00 A.M.

ONE HUNDRED FIRST DAY

SENATE CHAMBER,
Tuesday, July 18, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Bob Albritton, Pastor of Millbrook Baptist Church in Raleigh, as follows:

"Our Lord and our God, Blessed be Your Name. We apologize for forgetting that You are God and we are not. Forgive us, please, as we confess our sin. Lord, we know You as a God of justice and mercy, of demand and grace. We acknowledge that You are a Holy Power with a moral purpose that is not negotiable.

"Help us this day to legislate laws that reflect Your justice and Your moral purpose for the people of North Carolina.

God of grace and God of glory, on Thy people pour Thy power...
Grant us wisdom, grant us courage for the facing of this hour,
For the facing of this hour. (a cappella) Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Sawyer.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, July 17, has been examined and is found to be correct. On his

motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. John J. Whyte of Durham, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 229 (House Committee Substitute), an act to remove impediments and disincentives to donating conservation land or preservation structures or sites. (Ch. 443)

S.B. 258 (House Committee Substitute), an act to clarify the record-keeping responsibilities of clerks of superior court in IV-D child support cases. (Ch. 444)

S.B. 388 (House Committee Substitute No. 2), an act to amend the pesticide law. (Ch. 445)

S.B. 404 (House Committee Substitute), an act to modify the criteria for selection and sentencing to IMPACT. (Ch. 446)

S.B. 668, an act to remove the sunset from the statute permitting private contract participation by the Department of Transportation. (Ch. 447)

S.B. 792 (House Committee Substitute), an act to amend the bail bond forfeiture procedure provided by Article 26 of Chapter 15A of the General Statutes. (Ch. 448)

S.B. 864 (House Committee Substitute), an act to require domiciliary care homes to submit annual audited reports of actual costs and to require the Department of Human Resources to adopt rules to ensure quality of care in domiciliary care homes. (Ch. 449)

H.B. 6 (Senate Committee Substitute), an act to grant additional management flexibility to local boards of education, to ensure that local boards of education are held accountable for the use of that flexibility, to assess the relationship between expenditures for public schools and student performance, and to make conforming statutory changes. (Ch. 450)

H.B. 360, an act to exempt railroads from payment of sales tax on diesel fuel used by locomotives and railroad cars. (Ch. 451)

H.B. 390, an act to authorize the construction and the financing, without appropriations from the General Fund, of a capital improvements project at Appalachian State University. (Ch. 452)

H.B. 807 (Senate Committee Substitute), an act to authorize the Department of Justice to provide criminal record checks to domiciliary care facilities, home care

agencies, hospices, licensed child placing agencies, residential child care facilities, and other providers of treatment for or services to children, the elderly, and the sick and disabled. (Ch. 453)

S.B. 237 (House Committee Substitute), an act to clarify the use value tax law, to update the law to conform to modern family property transactions, and to expand the category of persons who may qualify for use value property transfers. (Ch. 454)

H.B. 65 (Senate Committee Substitute), an act to allow the display of the United States and North Carolina flags in public school classrooms and to encourage the recital of the Pledge of Allegiance in the public schools. (Ch. 455)

H.B. 718 (Senate Committee Substitute), an act to establish a North Carolina Parks and Recreation Authority and to earmark funds for the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund. (Ch. 456)

S.J.R. 515, a joint resolution honoring the life and memory of Franklin "Frank" W. Howey, Sr., of Union County. (Res. 12)

H.J.R. 535, a joint resolution honoring the veterans of North Carolina who served during World War II. (Res. 13)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill for concurrence which is read and disposed of, as follows:

S.B. 24 (House Committee Substitute), a bill to refocus the school testing program on the basics, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, July 19.

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 402 (Committee Substitute No. 2), a bill to mandate criminal history checks of all persons who provide foster care.
Referred to **Children and Human Resources Committee** and upon a favorable report, re–referred to the **Appropriations Committee**.

H.B. 984, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill and to amend Chapter 451 of the 1993 Session Laws regarding a wholly self–liquidating project at the University of North Carolina at Greensboro.
Referred to **Appropriations Committee**.

H.B. 995 (Committee Substitute), a bill to stimulate a substantial increase in venture capital investments in North Carolina by allowing an insurance premiums tax credit for these investments.
Referred to **Finance Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 572 (Committee Substitute), a bill to provide for surety bonds for small businesses that contract with governmental agencies, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Forrester, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—43.

Voting in the negative: Senators Carrington, Foxx, Page, and Webster—4.

The Committee Substitute bill, as amended, is ordered engrossed and, without objection, sent to the House of Representatives by special messenger.

With unanimous consent, on motion of Senator Rand, all measures ordered sent to the House of Representatives through adjournment of the First Regular Session are sent by special messenger.

H.B. 3 (Committee Substitute), a bill to provide governmental accountability and protection to the taxpayers by limiting increases in the General Fund budget, reforming the budget process, establishing an Emergency Reserve Trust Fund, and prohibiting unfunded State mandates, changing the title, upon concurrence, to read **H.B. 3** (Senate Committee Substitute), a bill to protect the taxpayers of North Carolina by limiting increases in the General Fund budget, prohibiting unfunded State mandates, and establishing other taxpayer rights, upon second reading.

Senator Kerr offers Amendment No. 1 which is adopted (45–3).

Senator McDaniel offers Amendment No. 2.

The Chair extends courtesies of the floor to Frank Block, former Senator from New Hanover County.

Following lengthy debate, Senator Kerr calls the previous question on Amendment No. 2, seconded by Senator McDaniel. The call is sustained. Amendment No. 2, offered by Senator McDaniel, fails of adoption (23–26).

On motion of Senator Basnight, the Senate recesses at 11:35 A.M. to reconvene at 3:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

CALENDAR (Continued)

H.B. 3 (Committee Substitute), a bill to provide governmental accountability and protection to the taxpayers by limiting increases in the General Fund budget,

reforming the budget process, establishing an Emergency Reserve Trust Fund, and prohibiting unfunded State mandates, changing the title, upon concurrence, to read **H.B. 3** (Senate Committee Substitute), a bill to protect the taxpayers of North Carolina by limiting increases in the General Fund budget, prohibiting unfunded State mandates, and establishing other taxpayer rights, as amended, upon second reading under consideration upon recess.

Upon the appearance of Senator Sawyer in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Senator Simpson offers Amendment No. 3 which is adopted (47–2).

Senator Kerr offers Amendment No. 4 which is adopted (49–1).

Senator Webster offers Amendment No. 5. The Chair rules the Senate Committee Substitute bill, as amended, requires a call of the roll. Amendment No. 5 is adopted (45–4).

Senator Hoyle calls the previous question, seconded by Senator Conder. The call is sustained (28–21).

The Senate Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 32, noes 18, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carrington, Conder, Cooper, Dannelly, Davis, East, Edwards, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Little, Lucas, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sherron, Soles, Speed, Warren, Webster, and Winner—32.

Voting in the negative: Senators Allran, Ballantine, Blackmon, Carpenter, Clark, Cochrane, Forrester, Foxx, Horton, Kincaid, Ledbetter, McDaniel, McKoy, Page, Sawyer, Shaw, Simpson, and Smith—18.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, July 19, for further consideration upon third reading.

S.B. 159 (House Committee Substitute No. 2), a bill to rewrite Chapter 48 of the General Statutes relating to adoption as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its third reading by roll–call vote, ayes 49, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: Senator Sawyer—1.

The House Committee Substitute bill No. 2 is ordered enrolled.

S.B. 606 (House Committee Substitute), a bill to provide for the creation of facility authorities and to establish the Centennial Authority, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll–call vote, ayes 49, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: Senator Page—1.

The House Committee Substitute bill is ordered enrolled.

COMMITTEE REFERRAL RECALL

H.B. 490 (Committee Substitute No. 3), a bill to provide that annual reports of business corporations and limited liability companies shall be filed with the Department of Revenue rather than the Secretary of State, to establish fees for expedited filings, to provide that nonprofit religious corporations are not required to file annual reports, to extend the deadline to allow the reinstatement of dissolved corporations, and to allow the Secretary of State to retain filed documents in reproduced form, referred to the **Judiciary II/Election Laws Committee** on July 7.

Pursuant to Rule 47(b), Senator Gulley offers a motion the Committee Substitute bill No. 3 be taken from the **Judiciary II/Election Laws Committee** and re-referred to the **Appropriations Committee**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill No. 3 recalled from the **Judiciary II/Election Laws Committee** and refers the measure to the **Appropriations Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

H.B. 281 (Committee Substitute No. 2), a bill to create the Residential Property Disclosure Act, as amended upon the recommendation of the **Judiciary II/Election Laws Committee**, with a favorable report.

H.B. 443 (Committee Substitute No. 2), a bill to require all real estate appraisers to be licensed and to provide for the registration of trainee real estate appraisers, with a favorable report.

H.B. 120 (Committee Substitute No. 2), a bill to revise the window tinting laws, with a favorable report.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.J.R. 538

House of Representatives
July 18, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **SJR 538**, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO CONSIDER ACTION ON THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, the House of Representatives is prepared to receive the Senate in Joint Session on Wednesday, July 19, 1995 at 1:00 pm.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 57
(House Committee Substitute No. 2)

House of Representatives
July 18, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed concur in the House Committee Substitute No. 2 for **SB 57,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON ALCOHOLIC BEVERAGE CONTROL AND TO MAKE OTHER CHANGES IN THE ABC LAWS, the Speaker has appointed as conferees on the part of the House,

Representative Grady, Chair
Representative Neely,
Representative Pate,
Representative Culpepper,
Representative Morgan, and
Representative Gray

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

COMMITTEE REFERRAL RECALLS

H.B. 550 (Committee Substitute), a bill to allow Randolph County to acquire property for use by the County Board of Education, referred to the **Education/ Higher Education Committee** on May 25.

Pursuant to Rule 47(b), Senator Plexico offers a motion the Committee Substitute bill be taken from the **Education/Higher Education Committee** and

re–referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Education/ Higher Education Committee** and refers the measure to the **Finance Committee**.

H.B. 280 (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen and to prohibit the discharge of pyrotechnics within one hundred feet of woodlands, as amended, changing the title, upon concurrence, to read **H.B. 280** (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen, referred to the **Ways and Means Committee** on June 30, with a fiscal note requested.

Pursuant to Rule 47(b), Senator Edwards offers a motion the Committee Substitute bill be taken from the **Ways and Means Committee** and placed on the Calendar for Wednesday, July 19, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Ways and Means Committee** and places it on the Calendar for Wednesday, July 19, for further consideration upon its passage upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Appropriations Committee**:

S.B. 53 (Committee Substitute), a bill to require the registration of persons convicted of certain criminal sexual offenses, as written by the **Judiciary II/Election Laws Committee**, with a favorable report.

S.B. 180 (House Committee Substitute), a bill to modify the payment and reporting requirements and the collection procedures for unemployment contributions and to provide for a reduction in these contributions in certain circumstances, with a favorable report as to concurrence.

S.B. 202 (Committee Substitute), a bill to encourage the composting of poultry carcasses and provide an income tax credit for poultry composting facilities, as written by the **Finance Committee**, with a favorable report.

S.B. 710, a bill to increase the North Carolina Self–Insurance Guaranty Fund and to allow a credit against the gross premiums tax for assessments paid by self–insurers to the Guaranty Fund, as amended upon the recommendation of the **Finance Committee**, with a favorable report.

H.B. 55 (Committee Substitute), a bill to provide that sales tax preferences for agriculture apply to aquaculture, with a favorable report.

H.B. 223, a bill to phase out the excise tax on soft drinks over four years, changing the title, upon concurrence, to read **H.B. 223** (Senate Committee Substitute), a bill to reduce the excise tax on soft drinks, as written by the **Finance Committee**, with a favorable report.

H.B. 396 (Committee Substitute), a bill to modify the State ports tax credit by expanding it to include imports, by extending the sunset on the credit, and by limiting the credit for bulk exports, as amended upon the recommendation of the **Finance Committee**, with a favorable report.

H.B. 759, a bill to provide that a home for the aged, sick, or infirm whose property is exempt from property tax is allowed a refund of State and local sales and use taxes, with a favorable report.

S.B. 917 (Committee Substitute), a bill to allow members of the Soil and Water Conservation Commission and supervisors of soil and water conservation districts to participate in the Agriculture Cost Share Program for Nonpoint Source Pollution Control and to appropriate funds for the Agriculture Cost Share Program for Nonpoint Source Pollution Control to be used for capital expenses associated with developing agriculture waste management measures, as written by the **Agriculture/Environment/Natural Resources Committee**, with a favorable report, as amended.

The Chair extends courtesies of the floor to Lura Tally, former Senator from Cumberland County and to William W. Staton, former Senator from Lee County.

Pursuant to **S.J.R. 538**, a joint resolution providing for a joint session of the General Assembly to consider action on the appointments by the Governor of new members to the State Board of Education, Senator Basnight, President *Pro Tempore*, announces a Joint Session to convene at 1:00 P.M. tomorrow, July 19.

On motion of Senator Basnight, seconded by Senator East, the Senate adjourns at 4:05 P.M. to meet tomorrow, Wednesday, July 19, at 12:45 P.M.

ONE HUNDRED SECOND DAY

SENATE CHAMBER,
Wednesday, July 19, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, how encouraging it is when Holy Scripture is used so eloquently on the floor of the Senate to advocate one's position on a bill.

"But let us also strive to make Your Word so much a part of our living that those we encounter would see You in all of our actions.

"Often a Godly life lived in authenticity is more persuasive than a perfect word spoken. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Hoyle, due to a medical appointment.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, July 18, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Joseph L. Jorizzo of Winston–Salem, who is serving the Senate as Doctor of the Day.

Pursuant to the motion prevailing on Tuesday, July 18, all measures ordered sent to the House of Representatives are sent by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 159 (House Committee Substitute No. 2), an act to rewrite Chapter 48 of the General Statutes relating to adoption as recommended by the General Statutes Commission. (Ch. 457)

S.B. 606 (House Committee Substitute), an act to provide for the creation of facility authorities and to establish the Centennial Authority. (Ch. 458)

S.B. 1055, an act to modify the excise tax on newsprint. (Ch. 459)

H.B. 899 (Senate Committee Substitute), an act to provide for disposal of unclaimed property by landlords, to amend the law of summary ejectment by reducing the time allowed for a defendant to appear in court, and to provide for the execution of judgments for possession that are more than thirty days old. (Ch. 460)

H.B. 1060 (Committee Substitute), an act amending the General Statutes relating to the consolidation of cities and counties and consolidated city–county taxation and finance. (Ch. 461)

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

H.B. 72, a bill to criminalize indecent liberties between children, with a favorable report.

H.B. 594, a bill to prohibit discrimination in health and accident insurance against coverage for procedures involving certain bones or joints, with a favorable report, as amended.

H.B. 545, a bill to broaden the law providing for the establishment of cartways, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Gulley, the rules are suspended, and the proposed Senate Committee Substitute bill 5171 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Gulley, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 20, for further consideration.

The Chair recognizes Senator Basnight, President *Pro Tempore*, who offers a motion, pursuant to his announcement on July 18, the Senate do now recess to reconvene in the Chambers of the House of Representatives to sit in Joint Session to consider the confirmation of appointments by the Governor to the State Board of Education; and offers a further motion to the end that when the Joint Session is dissolved the Senate return to the Senate Chambers for the consideration of further business.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.J.R. 538

House of Representatives
July 19, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **SJR 538,** A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO CONSIDER ACTION ON THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, the House of Representatives stands ready to receive the Senate in Joint Session.

Respectfully,
S/Denise Weeks
Principal Clerk

The motions offered by Senator Basnight prevail and the Chair declares the Senate in recess to reconvene in the Chambers of the House of Representatives. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

JOINT SESSION

The Senate is received by the members of the House of Representatives, standing. The Speaker of the House of Representatives relinquishes the gavel to the Honorable Dennis A. Wicker, President of the Senate, who presides. The President of the Senate calls the Joint Session to order.

The President of the Senate directs the Reading Clerk of the Senate to call the roll of the Senate and the following members answer the call:

Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

The President of the Senate announces the call of the roll of the House of Representatives will be taken electronically and directs the Clerk of the House of Representatives to record those present. The following members answer the call of the roll:

Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allred, Arnold, Baker, Barbee, Barnes, Beall, Berry, Black, Bowen, Bowie, Boyd-McIntyre, J. Brown, W. Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cocklereece, Creech, Culp, Culpepper, Cummings, Cunningham, Daughtry, Davis, Decker, Dickson, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gamble, Grady, Gray, Hackney, Hayes, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, Hunt, H. Hunter, R. Hunter, Hurley, Ives, Justus, Kiser, Lee, Lemmond, Linney, Locke, Luebke, McAllister, McComas, McCombs, McCrary, McLaughlin, McMahan, Mercer, Michaux, G. Miller, Miner, Mitchell, Morgan, Neely, Nichols, Nye, Oldham, Owens, Pate, Preston, Pulley, Ramsey, Rayfield, Redwine, Reynolds, Richardson, G. Robinson, J. Robinson, Rogers, Russell, Sexton, Sharpe, Sherrill, Shubert, Tallent, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, Wilkins, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue—112.

The President of the Senate declares a quorum of each Body present and announces the Joint Session shall proceed with the business for which it is convened, it being, in accordance with Article IX, Section 4, of the North Carolina Constitution, the confirmation of the appointments by Governor James B. Hunt, Jr. to the State Board of Education.

The President of the Senate directs the Reading Clerk of the Senate to read the following messages from the Governor:

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27603-8001

March 9, 1995

JAMES B. HUNT JR.
GOVERNOR

The Honorable Dennis Wicker
President of the Senate
2104 Legislative Building
Raleigh, NC 27601

Dear Mr. President:

Pursuant to General Statute 115C-10-11, I hereby appoint Kathy A. Taft and Jane Norwood as members of the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly.

Ms. Taft will replace William Meekins as the Region One representative. She will serve a term to begin April 1, 1995 and to expire March 31, 2003.

Dr. Norwood is being reappointed to an at–large position. Her term will begin April 1, 1995 and to expire March 31, 2003.

My warmest personal regards.

Sincerely,
S/Jim Hunt
Governor

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27603–8001

April 4, 1995

JAMES B. HUNT JR.
GOVERNOR

The Honorable Dennis Wicker
President of the Senate
2104 Legislative Building
Raleigh, NC 27601

Dear Mr. President:

Pursuant to General Statute 115C–10–11, I hereby appoint Lowell Thomas as a member of the North Carolina State Board of Education and submit his name for confirmation by the North Carolina General Assembly.

Mr. Thomas will replace Howard Haworth as the Region Seven representative. He will serve a term to begin immediately and to expire March 31, 2003.

Biographical information on Mr. Thomas is enclosed. Please feel free to call on him if you need additional information.

My warmest personal regards.

Sincerely,
S/Jim Hunt
Governor

The President of the Senate directs the Reading Clerk of the House of Representatives to read the messages from the Governor:

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27603–8001

March 9, 1995

JAMES B. HUNT JR.
GOVERNOR

The Honorable Harold Brubaker
Speaker of the House
2304 Legislative Building
Raleigh, NC 27601

Dear Mr. Speaker:

Pursuant to General Statute 115C–10–11, I hereby appoint Kathy A. Taft and Jane Norwood as members of the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly.

Ms. Taft will replace William Meekins as the Region One representative. She will serve a term to begin April 1, 1995 and to expire March 31, 2003.

Dr. Norwood is being reappointed to an at–large position to begin April 1, 1995 and to expire March 31, 2003.

My warmest personal regards.

Sincerely,
S/Jim Hunt
Governor

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27603–8001

April 4, 1995

JAMES B. HUNT JR.
GOVERNOR

The Honorable Harold Brubaker
Speaker of the House
2304 Legislative Building
Raleigh, NC 27601

Dear Mr. Speaker:

Pursuant to General Statute 115C–10–11, I hereby appoint Lowell Thomas as a member of the North Carolina State Board of Education and submit his name for confirmation by the North Carolina General Assembly.

Mr. Thomas will replace Howard Haworth as the Region Seven representative. He will serve a term to begin immediately and to expire March 31, 2003.

Biographical information on Mr. Thomas is enclosed. Please feel free to call on him for additional information.

My warmest personal regards.

Sincerely,
S/Jim Hunt
Governor

The President of the Senate recognizes Senator Winner, Co–chairman of the **Education/Higher Education Committee** of the Senate, who submits a committee report, as follows:

NORTH CAROLINA GENERAL ASSEMBLY
Senate Chamber
State Legislative Building
Raleigh 27601–1096

TO THE PRESIDENT AND MEMBERS OF THE SENATE:

In compliance with the provisions of Article IX, Sec. 4, of the *North Carolina Constitution* and G.S. 115C–10 requiring that appointees to the State Board of Education shall be subject to confirmation by the General Assembly in Joint Session, Governor Hunt has submitted for confirmation by the General Assembly the following names:

Lowell Thomas	representing Region Seven for a term beginning immediately to expire March 31, 2003.
Kathy A. Taft	representing Region One for a term beginning April 1, 1995 to expire March 31, 2003.
Jane Norwood	filling an At–large position for a term beginning April 1, 1995 to expire March 31, 2003.

The Senate Committee on Education has considered the appointees and makes the following recommendation to the Joint Session:

That the appointments of Lowell Thomas, Kathy A. Taft, and Jane Norwood to the State Board of Education be confirmed.

Respectfully,
S/Leslie Winner
Co–Chairman

S/J. Clark Plexico
Co–Chairman

The President of the Senate recognizes Senator Plexico who speaks to the confirmation of the appointment of Lowell Thomas.

The President of the Senate recognizes Senator Warren who speaks to the confirmation of Kathy A. Taft.

The President of the Senate recognizes Senator Winner who speaks to the confirmation of Dr. Jane Norwood.

Following precedent and with unanimous consent of both Bodies, the President of the Senate places before the Senate the question of confirmation of the appointments by Governor James B. Hunt, Jr. of Lowell Thomas, Kathy A. Taft, and Jane Norwood to the State Board of Education.

The President of the Senate directs the Reading Clerk of the Senate to call the roll of the Senate.

Those casting votes to confirm are: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—44.

Those casting votes not to confirm are: Senators Clark, Ledbetter, Page, and Webster—4.

The President of the Senate announces the appointments by Governor James B. Hunt, Jr. to the State Board of Education of Lowell Thomas representing Region Seven, Kathy A. Taft representing Region One, and Jane Norwood to an at-large position, are confirmed by the Senate.

Following precedent, the President of the Senate relinquishes the gavel to the Speaker of the House of Representatives, Harold Brubaker.

The Speaker recognizes Representative Wood, Chairman of the **Education Committee** of the House of Representatives, who submits the following report:

NORTH CAROLINA GENERAL ASSEMBLY

House of Representatives
State Legislative Building
Raleigh 27601-1096

July 19, 1995

The Speaker and Members of the House
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601

Dear Mr. Speaker and Members of the House,

In compliance with the provisions of G.S. 115C-10-11 requiring appointees to the North Carolina State Board of Education to be confirmed by the General Assembly, Governor Hunt has submitted his appointee, Mr. Lowell Thomas, for confirmation.

The House Committee on Education has considered the appointment and makes the following recommendation to the General Assembly:

That the appointment of Mr. Lowell Thomas to the North Carolina State Board of Education for a term to expire March 31, 2003, be confirmed.

Respectfully submitted,
S/Steve
Steve Wood, *Chairman*
House Committee on Education

Speaker Brubaker places before the House of Representatives the question of confirmation of the appointment by the Governor of Lowell Thomas to the State Board of Education and directs the call of the roll taken electronically.

Those voting to confirm are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allred, Arnold, Baker, Barbee, Barnes, Beall, Berry, Black, Bowen, Bowie, Boyd-McIntyre, J. Brown, W. Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cocklereece, Creech, Culp, Culpepper, Cummings, Cunningham, Daughtry, Davis, Decker, Dickson, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gamble, Grady, Gray, Hackney, Hayes, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, Hunt, H. Hunter, R. Hunter, Hurley, Ives, Justus, Kiser, Lee, Lemmond, Locke, Luebke, McAllister, McComas, McCombs, McCrary, McLaughlin, McMahan, Mercer, Michaux, G. Miller, Miner, Mitchell, Morgan, Neely, Nichols, Nye, Oldham, Owens, Pate, Preston, Pulley, Ramsey, Rayfield, Redwine, Reynolds, Richardson, G. Robinson, J. Robinson, Rogers, Russell, Sexton, Sharpe, Sherrill, Shubert, Tallent, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, Wilkins, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue—111.

Voting not to confirm is: Representative Linney—1.

The Speaker recognizes Representative Wood, Chairman of the **Education Committee** of the House of Representatives, who submits the following report:

NORTH CAROLINA GENERAL ASSEMBLY

House of Representatives
State Legislative Building
Raleigh 27601-1096

July 19, 1995

The Speaker and Members of the House
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601

Dear Mr. Speaker and Members of the House,

In compliance with the provisions of G.S. 115C-10-11 requiring appointees to the North Carolina State Board of Education to be confirmed by the General Assembly, Governor Hunt has submitted his appointee, Dr. Jane Norwood, for confirmation.

The House Committee on Education has considered the appointment and makes the following recommendation to the General Assembly:

That the appointment of Dr. Jane Norwood to the North Carolina State Board of Education for a term to expire March 31, 2003, be confirmed.

Respectfully submitted,
S/Steve
Steve Wood, *Chairman*
House Committee on Education

Speaker Brubaker places before the House of Representatives the question of confirmation of the appointment by the Governor of Dr. Jane Norwood to the State Board of Education and directs the call of the roll taken electronically.

Those voting to confirm are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allred, Arnold, Baker, Barbee, Barnes, Beall, Berry, Black, Bowen, Bowie, Boyd-McIntyre, J. Brown, W. Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cocklereece, Creech, Culp, Culpepper, Cummings, Cunningham, Daughtry, Davis, Decker, Dickson, Dockham, Earle, Easterling, Eddins, Edwards, Ellis, Esposito, Fitch, Fox, Gamble, Grady, Gray, Hackney, Hayes, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, Hunt, H. Hunter, R. Hunter, Hurley, Ives, Justus, Kiser, Lee, Lemmond, Linney, Locke, Luebke, McAllister, McComas, McCombs, McCrary, McLaughlin, McMahan, Mercer, Michaux, G. Miller, Miner, Mitchell, Morgan, Neely, Nichols, Nye, Oldham, Owens, Pate, Preston, Pulley, Ramsey, Rayfield, Redwine, Reynolds, Richardson, G. Robinson, J. Robinson, Rogers, Russell, Sexton, Sharpe, Sherrill, Shubert, Ta lent, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, Wilkins, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue—112.

Voting not to confirm: None.

The Speaker recognizes Representative Wood, Chairman of the **Education Committee** of the House of Representatives, who submits the following report:

NORTH CAROLINA GENERAL ASSEMBLY

House of Representatives
State Legislative Building
Raleigh 27601-1096

July 19, 1995

The Speaker and Members of the House
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601

Dear Mr. Speaker and Members of the House,

In compliance with the provisions of G.S. 115C-10-11 requiring appointees to the North Carolina State Board of Education to be confirmed by the General

Assembly, Governor Hunt has submitted his appointee, Ms. Kathy A. Taft, for confirmation.

The House Committee on Education has considered the appointment and makes the following recommendation to the General Assembly:

That the appointment of Ms. Kathy A. Taft to the North Carolina State Board of Education for a term to expire March 31, 2003, be confirmed.

Respectfully submitted,
S/Steve
Steve Wood, *Chairman*
House Committee on Education

Speaker Brubaker places before the House of Representatives the question of confirmation of the appointment by the Governor of Kathy A. Taft to the State Board of Education and directs the call of the roll taken electronically.

Those voting to confirm are: Representatives Adams, Alexander, Barnes, Beall, Black, Bowen, Boyd–McIntyre, W. Brown, Church, Culpepper, Cunningham, Earle, Easterling, Fitch, Fox, Gamble, Hackney, Hensley, Hightower, Hill, Hunt, H. Hunter, R. Hunter, Hurley, Lee, Locke, Luebke, McAllister, McCrary, McLaughlin, Mercer, Michaux, G. Miller, Nye, Oldham, Owens, Ramsey, Redwine, Richardson, Rogers, Tolson, Wainwright, Warner, Wilkins, Womble, Wright, and Yongue—47.

Those voting not to confirm are: Speaker Brubaker; Representatives Aldridge, Allred, Arnold, Baker, Barbee, Berry, Bowie, J. Brown, Buchanan, Cansler, Capps, Carpenter, Clary, Cocklereece, Creech, Culp, Cummings, Daughtry, Davis, Decker, Dickson, Dockham, Eddins, Edwards, Ellis, Esposito, Gray, Hayes, Hiatt, Holmes, Howard, Ives, Justus, Kiser, Lemmond, Linney, McComas, McCombs, McMahan, Miner, Mitchell, Morgan, Neely, Nichols, Pate, Preston, Pulley, Rayfield, Reynolds, G. Robinson, J. Robinson, Russell, Sexton, Sharpe, Sherrill, Shubert, Tallent, Thompson, Watson, Weatherly, C. Wilson, G. Wilson, and Wood—64.

Having received an affirmative majority vote of both Houses, the Speaker of the House of Representatives announces the appointments to the State Board of Education of Lowell Thomas, representing Region Seven, and Jane Norwood, member–at–large, are confirmed.

Having failed to receive an affirmative majority vote of both Houses, the Speaker of the House of Representatives announces the appointment to the State Board of Education of Kathy A. Taft, representing Region One, not confirmed.

The Speaker of the House of Representatives orders the Principal Clerks of each Chamber to notify the Governor of the actions of the General Assembly taken this date sitting in Joint Session upon the confirmation of appointments to the State Board of Education.

The Speaker of the House of Representatives recognizes Senator Basnight who offers a motion the Joint Session be now dissolved and pursuant to the motion

heretofore made, the Senate return to its Chamber for the consideration of further business, seconded by Representative Daughtry. The motion prevails and the Senate returns to its Chamber.

The Senate resumes the consideration of its regular order of business.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence which are read and disposed of, as follows:

S.B. 182 (Committee Substitute), a bill to provide that if a candidate died before the primary election, the estate of the candidate shall be entitled to a refund of the filing fee, for concurrence in House Amendment No. 1.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 407, a bill to exempt trailers from the payment of the Global TransPark temporary zone vehicle registration tax, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, July 20.

S.B. 931 (Committee Substitute), a bill to provide safeguards to reduce the chances and lessen the effects of workers' compensation self-insurance insolvencies and appropriate funds to implement this act, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, July 20.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting a bill which is read and disposed of, as follows:

H.B. 403 (Committee Substitute), a bill to mandate criminal history checks of child day care providers and to study the use of the Central Registry on Child Abuse and Neglect.

The Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 873 House of Representatives
July 19, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **HB 873**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE SUBSTANCES THAT

APPLICATORS OF PESTICIDES ARE AUTHORIZED TO APPLY AND TO PROVIDE FOR THE PESTICIDE APPLICATOR'S LICENSE TO BE REVOKED, SUSPENDED, OR DENIED FOR VIOLATING THIS LIMITATION, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

COMMITTEE REFERRAL RECALL

S.B. 503 (Committee Substitute), a bill to allow the Division of Motor Vehicles to issue restricted commercial drivers licenses to seasonal drivers for certain farm–related services industries, referred to the **Appropriations Committee** on May 8.

Pursuant to Rule 47(b), Senator Plyler offers a motion the Committee Substitute bill be taken from the **Appropriations Committee** and re–referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Appropriations Committee** and refers the measure to the **Finance Committee**.

S.B. 136, a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, and for other purposes, referred to the **Appropriations Committee** on February 6.

Pursuant to Rule 47(b), Senator Plyler offers a motion the bill be taken from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Appropriations Committee** and places it before the Seante for immediate consideration upon its passage.

Senator Plyler offers Amendment No. 1 which is adopted (44–1), changing the title to read **S.B. 136**, a bill to again extend expiring provisions.

The bill, as amended, passes its second (43–4) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 182 (Committee Substitute), a bill to provide that if a candidate died before the primary election, the estate of the candidate shall be entitled to a refund of the filing fee, received from the House of Representatives and temporarily displaced earlier today.

On motion of Senator Gulley, the rules are suspended to the end the Committee Substitute bill is placed at the end of today's Calendar for consideration upon concurrence.

COMMITTEE REFERRAL RECALL

H.B. 402 (Committee Substitute No. 2), a bill to mandate criminal history checks of all persons who provide foster care, referred to the **Children and Human Resources Committee** on July 18.

Pursuant to Rule 47(b), Senator Lucas offers a motion the Committee Substitute bill No. 2 be taken from the **Children and Human Resources Committee** and

re-referred to the **Judiciary I/Constitution Committee**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 recalled from the **Children and Human Resources Committee** and refers the measure to the **Judiciary I/Constitution Committee.**

CALENDAR

H.B. 120 (Committee Substitute No. 2), a bill to revise the window tinting laws, on today's Calendar upon second reading.

With unanimous consent, on motion of Senator Sherron, the Committee Substitute bill No. 2 is taken up out of its regular order of business, and on his further motion, consideration of the Committee Substitute bill No. 2 is postponed until Thursday, July 20.

WITHDRAWAL FROM CALENDAR

S.B. 407, a bill to exempt trailers from the payment of the Global TransPark temporary zone vehicle registration tax, ordered earlier today placed on the Calendar for Thursday, July 20, upon concurrence.

Senator Perdue offers a motion the rules be suspended to the end the bill be taken from the Calendar for Thursday, July 20, and placed at the end of today's Calendar for consideration upon concurrence, which motions prevail with unanimous consent.

The Chair orders the bill taken from the Calendar for Thursday, July 20, and places the measure at the end of today's Calendar, upon concurrence.

The Chair extends courtesies of the gallery to Sneed High, former Representative from Cumberland County.

RECONSIDERATION

S.B. 57 (House Committee Substitute No. 2), a bill to implement the recommendations of the Legislative Research Commission's Committee on Alcoholic Beverage Control and to make other changes in the ABC laws, with Senate conferees appointed on July 17.

On motion of Senator Conder, the Senate conferees are dismissed.

Senator Conder offers a motion that the vote by which the motion to appoint conferees prevailed be reconsidered, which motion prevails, and the question becomes the appointment of conferees.

Senator Conder offers a further motion that the vote by which the Senate failed to concur in the House Committee Substitute bill No. 2 be reconsidered, which motion prevails, and the question becomes concurrence in the House Committee Substitute bill No. 2.

Following debate, Senator Soles offers a motion the House Committee Substitute bill No. 2 be temporarily displaced.

Senator Simpson offers a substitute motion further consideration of the House Committee Substitute bill No. 2 be postponed until Thursday, July 20, which motion he subsequently withdraws, with unanimous consent and the question

reverts to the motion offered by Senator Soles to the end the measure be temporarily displaced, which motion prevails.

The Chair orders the House Committee Substitute bill No. 2 temporarily displaced.

CALENDAR

Bills on the today's Calendar are taken up and disposed of, as follows:

H.B. 3 (Committee Substitute), a bill to provide governmental accountability and protection to the taxpayers by limiting increases in the General Fund budget, reforming the budget process, establishing an Emergency Reserve Trust Fund, and prohibiting unfunded State mandates, changing the title, upon concurrence, to read **H.B. 3** (Senate Committee Substitute), a bill to protect the taxpayers of North Carolina by limiting increases in the General Fund budget, prohibiting unfunded State mandates, and establishing other taxpayer rights, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 27, noes 20, as follows:

Senator Forrester announces a pair, as follows: Senator Hoyle "aye"; Senator Forrester "no."

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carrington, Conder, Cooper, Dannelly, Davis, Edwards, Gulley, Hobbs, Kerr, Little, Lucas, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sherron, Soles, Speed, Warren, and Winner—27.

Voting in the negative: Senators Allran, Ballantine, Blackmon, Carpenter, Clark, Cochrane, East, Foxx, Hartsell, Horton, Kincaid, Ledbetter, McDaniel, McKoy, Page, Sawyer, Shaw, Simpson, Smith, and Webster—20.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

S.B. 710, a bill to increase the North Carolina Self-Insurance Guaranty Fund and to allow a credit against the gross premiums tax for assessments paid by self-insurers to the Guaranty Fund, as amended, upon second reading.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—47.

Voting in the negative: Senators McDaniel and Webster—2.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 20, for further consideration upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

H.B. 550 (Committee Substitute), a bill to allow Randolph County to acquire property for use by the County Board of Education, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill 7240, which changes the title, upon concurrence to read **H.B. 550** (Senate Committee Substitute), a bill removing a certain tract of property from the corporate limits of the Town of Ramseur and to limit annexation and extraterritorial zoning in the Town of North Topsail Beach, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, July 20, for further consideration.

H.B. 555 (Committee Substitute No. 2), a bill to create a North Carolina Boxing Commission, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill 1291 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Sherron, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 20, for further consideration.

H.B. 836 (Committee Substitute No. 2), a bill to expedite the environmental permitting process by allowing the option of submitting permit applications certified by a professional engineer and allowing these applications to be immediately sent to public notice and hearing and subjected to simultaneous technical review, and to increase the maximum amount of the fee that the Environmental Management Commission may assess for processing an application for a permit under the water and air quality programs, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill 2189, which changes the title, upon concurrence, to read **H.B. 836** (Senate Committee Substitute), a bill to expedite the environmental permitting process by allowing the option of submitting permit applications certified by a professional engineer and allowing these applications to be expeditiously processed by providing early public notice, public hearing, and technical review, and to increase the maximum amount of the fee that the Environmental Management Commission may assess for processing an application for a permit under the water and air quality programs, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Senate Committee Substitute bill is adopted and on his further motion is placed on the Calendar for Thursday, July 20, for further consideration.

CALENDAR (Continued)

H.B. 281 (Committee Substitute No. 2), a bill to create the Residential Property Disclosure Act, as amended, upon second reading.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll–call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—49.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 20, for further consideration upon third reading.

H.B. 396 (Committee Substitute), a bill to modify the State ports tax credit by expanding it to include imports, by extending the sunset on the credit, and by limiting the credit for bulk exports, as amended, upon second reading.

With unanimous consent, on motion of Senator Ballantine, consideration of the Committee Substitute bill, as amended, is postponed until Thursday, July 20.

H.B. 443 (Committee Substitute No. 2), a bill to require all real estate appraisers to be licensed and to provide for the registration of trainee real estate appraisers, upon second reading.

Senator Sherron offers Amendment No. 1 which is adopted (44–1).

The Committee Substitute bill No. 2, as amended, passes its second reading by roll–call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Soles, Speed, Warren, and Winner—43.

Voting in the negative: Senators Clark, Horton, Sawyer, and Webster—4.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 20, for further consideration upon third reading.

S.B. 53 (Committee Substitute), a bill to require the registration of persons convicted of certain criminal sexual offenses.

Senator Webster offers Amendment No. 1.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Amendment No. 1, offered by Senator Webster, is adopted (49–0).

The Committee Substitute bill, as amended, passes its second (48–1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 202 (Committee Substitute), a bill to encourage the composting of poultry carcasses and provide an income tax credit for poultry composting facilities.

The Committee Substitute bill passes its second (45–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 917 (Committee Substitute), a bill to allow members of the Soil and Water Conservation Commission and supervisors of soil and water conservation districts to participate in the Agriculture Cost Share Program for Nonpoint Source Pollution Control and to appropriate funds for the Agriculture Cost Share Program for Nonpoint Source Pollution Control to be used for capital expenses associated with developing agriculture waste management measures.

With unanimous consent, Senator Albertson, Chairman of the **Agriculture/ Environment/Natural Resources Committee**, withdraws Committee Amendment No. 1.

On motion of Senator Albertson, further consideration of the Committee Substitute bill is postponed until Thursday, July 20.

H.B. 55 (Committee Substitute), a bill to provide that sales tax preferences for agriculture apply to aquaculture.

The Committee Substitute bill passes its second reading (45–1).

Upon the appearance of Senator Hoyle in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

With unanimous consent, the Committee Substitute bill remains before the Senate for further consideration upon third reading.

Senator Kerr offers Amendment No. 1 which is adopted (48–0).

The Committee Substitute bill, as amended, passes its third reading (47–2).

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 223, a bill to phase out the excise tax on soft drinks over four years, changing the title, upon concurrence, to read **H.B. 223** (Senate Committee Substitute), a bill to reduce the excise tax on soft drinks.

The Senate Committee bill passes its second (50–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 759, a bill to provide that a home for the aged, sick, or infirm whose property is exempt from property tax is allowed a refund of State and local sales and use taxes.

The bill passes its second reading (48–1).

Senator Kerr objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the bill placed on the Calendar for tomorrow, Thursday, July 20, for further consideration upon third reading.

H.B. 280 (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen and to prohibit the discharge of pyrotechnics within one hundred feet of woodlands, as amended, changing the title, upon concurrence, to read **H.B. 280** (Committee Substitute), a bill to prohibit the sale of certain pyrotechnics to persons under the age of sixteen, upon third reading.

Following debate, Senator Winner calls the previous question, seconded by Senator Forrester. The call is sustained.

The Committee Substitute bill, as amended, passes its third reading (33–17) and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 2 by special messenger.

S.B. 24 (House Committee Substitute), a bill to refocus the school testing program on the basics, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (13–37).

Senator Lucas offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

S.B. 180 (Committee Substitute), a bill to increase the minimum payment due to the Employment Security Commission from one dollar to five dollars, to authorize certain businesses to file annual reports with the Employment Security Commission rather than quarterly reports, and to authorize certain businesses that are allowed to file annual reports to file by telephone, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 180** (House Committee Substitute), a bill to modify the payment and reporting requirements and the collection procedures for unemployment contributions and to provide for a reduction in these contributions in certain circumstances.

The Senate concurs in the House Committee Substitute bill (50–0) and the measure is ordered enrolled.

S.B. 182 (Committee Substitute), a bill to provide that if a candidate died before the primary election, the estate of the candidate shall be entitled to a refund of the filing fee, placed earlier today on the Calendar for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (48–2) and the Committee Substitute bill is ordered enrolled.

S.B. 407, a bill to exempt boat and farm trailers from the payment of the Global TransPark temporary zone vehicle registration tax, placed earlier today on the Calendar for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (50–0) and the Committee Substitute bill is ordered enrolled.

S.B. 57 (House Committee Substitute No. 2), a bill to implement the recommendations of the Legislative Research Commission's Committee on Alcoholic Beverage Control and to make other changes in the ABC laws, for concurrence in the House Committee Substitute bill No. 2, upon second reading, temporarily displaced earlier.

The Senate concurs in the House Committee Substitute bill No. 2 on its second reading by roll-call vote, ayes 28, noes 17, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carrington, Conder, Cooper, Dannelly, East, Gulley, Hobbs, Hoyle, Jordan, Kerr, Little, Lucas, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plyler, Rand, Sherron, Soles, Speed, Warren, and Winner—28.

Voting in the negative: Senators Allran, Carpenter, Clark, Cochrane, Forrester, Foxx, Hartsell, Horton, Kincaid, Ledbetter, McDaniel, McKoy, Page, Parnell, Shaw, Simpson, and Smith—17.

Senator Conder rises to a point of order as to the House Committee Substitute bill No. 2 requiring a call of the roll. The Chair rules the measure does not require a call of the roll under Article II, Section 23, of the North Carolina Constitution and sustains the point of order.

The Chair declares the Senate concurs in the House Committee Substitute bill No. 2 and orders the measure enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A bill received earlier today from the House of Representatives and ordered held in the Office of the Principal Clerk pending referral, is presented to the Senate and referred to committee, as follows:

H.B. 403 (Committee Substitute), a bill to mandate criminal history checks of child day care providers and to study the use of the Central Registry on Child Abuse And Neglect.

Referred to **Judiciary I/Constitution Committee**.

On motion of Senator Basnight, seconded by Senator Smith, the Senate adjourns at 4:44 P.M. to meet tomorrow, Thursday, July 20, at 10:00 A.M.

ONE HUNDRED THIRD DAY

SENATE CHAMBER,
Thursday, July 20, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father, someone has said that integrity is the rivet without which the person and the society in which this person lives falls apart. In July, nearing the end of a long Session of the General Assembly, the Lieutenant Governor, Senators, and staff all know what it feels like to be in the position of simultaneously trying to hold the world together while keeping themselves together. Living with integrity would be impossible were it not for You, O God. We fall; ask forgiveness; and You are there to restore us.

"Renew us and remind us today that in You we live and move and have our being. That is our only claim to and hope for true integrity. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Martin of Pitt and to Senator Perdue.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, July 19, has been examined and is found to be correct. On his

motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Gilbert Whitmer of Rocky Mount, who is serving the Senate as Doctor of the Day.

Pursuant to the motion prevailing on Tuesday, July 18, all measures ordered sent to the House of Representatives are sent by special messenger.

INTRODUCTION OF RESOLUTIONS

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Webster:

S.R. 1101, a Senate simple resolution honoring the memory of Amy Jean Jackson and commending the heroism of Robert Jackson, Jr.

Referred to **Rules and Operation of the Senate Committee**.

Senator Webster offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution filed today, which motion prevails.

By Senator Webster:

S.J.R. 1102, a joint resolution honoring the memory of Amy Jean Jackson and commending the heroism of Robert G. Jackson, Jr.

Senate Webster offers a motion Rule 43 be suspended to the end the joint resolution be placed before the Senate for immediate consideration, which motion prevails, with unanimous consent.

With unanimous consent, on motion of Senator Webster, the joint resolution is read in its entirety.

The joint resolution passes its second reading (40–0).

With unanimous consent, the joint resolution passes its third reading, with members standing, and is ordered sent to the House of Representatives by special messenger.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 443 (Committee Substitute No. 2), a bill to require all real estate appraisers to be licensed and to provide for the registration of trainee real estate appraisers, as amended, upon third reading.

With unanimous consent, on motion of Senator Sherron, the Committee Substitute bill No. 2, as amended, is taken up out of its regular order of business and on his further motion, consideration of the Committee Substitute bill No. 2, as amended, is postponed until Monday, July 24.

H.B. 396 (Committee Substitute), a bill to modify the State ports tax credit by expanding it to include imports, by extending the sunset on the credit, and by limiting the credit for bulk exports, as amended, upon second reading.

With unanimous consent, on motion of Senator Ballantine, the Committee Substitute bill, as amended, is taken up out of its regular order of business and on

his further motion, consideration of the Committee Substitute bill, as amended, is postponed until Monday, July 24.

H.B. 550 (Committee Substitute), a bill to allow Randolph County to acquire property for use by the County Board of Education, changing the title, upon concurrence, to read **H.B. 550** (Senate Committee Substitute), a bill removing a certain tract of property from the corporate limits of the Town of Ramseur and to limit annexation and extraterritorial zoning in the Town of North Topsail Beach.

The Chair holds the Senate Committee Substitute to be a material amendment and adoption of the Senate Committee Substitute bill on July 19 constitutes the first reading of the measure.

The Chair further rules the Senate Committee Substitute bill requires a call of the roll.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Sawyer, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for Monday, July 24, for further consideration upon third reading.

S.B. 710, a bill to increase the North Carolina Self-Insurance Guaranty Fund and to allow a credit against the gross premiums tax for assessments paid by self-insurers to the Guaranty Fund, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—46.

Voting in the negative: Senator Webster—1.

The bill, as amended, is ordered sent to the House of Representatives by special messenger.

H.B. 281 (Committee Substitute No. 2), a bill to create the Residential Property Disclosure Act, as amended, upon third reading.

Following lengthy debate, Senator Gulley calls the previous question, seconded by Senator Ballance. The call is sustained.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Guilford, McDaniel, McKoy, Odom,

Page, Parnell, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Smith, Soles, Speed, Warren, Webster, and Winner—44.

Voting in the negative: Senators Allran, Clark, and Simpson—3.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 481 (Senate Committee Substitute No. 2), an act to require parental or judicial consent for an unemancipated minor's abortion. (Ch. 462)

S.B. 180 (House Committee Substitute), an act to modify the payment and reporting requirements and the collection procedures for unemployment contributions and to provide for a reduction in these contributions in certain circumstances. (Ch. 463)

S.B. 182 (Committee Substitute), an act to provide that if a candidate died before the primary election, the estate of the candidate shall be entitled to a refund of the filing fee. (Ch. 464)

S.B. 407, an act to exempt trailers from the payment of the Global TransPark temporary zone vehicle registration tax. (Ch. 465)

S.B. 57 (House Committee Substitute No. 2), an act to implement the recommendations of the Legislative Research Commission's Committee on Alcoholic Beverage Control and to make other changes in the ABC laws. (Ch. 466)

CONFERENCE REPORT

S.B. 415 (House Committee Substitute)

Senator Soles, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 415**, a bill to provide for the merger of banks and savings institutions, which House Committee Substitute bill proposes to change the title, upon concurrence, to read **S.B. 415** (House Committee Substitute), a bill to provide for the merger of banks and savings institutions and to limit the simultaneous conversion/mergers of mutual and stock institutions, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 415, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MERGER OF BANKS AND SAVINGS

INSTITUTIONS AND TO LIMIT THE SIMULTANEOUS CONVERSION/ MERGERS OF MUTUAL AND STOCK INSTITUTIONS, Third Edition Engrossed 7/6/95, submit the following report:

The House concurs in the Third Edition Engrossed 7/6/95 of Senate Bill 415, with the following amendments:

on page 4, lines 38 and 39, by deleting "of the members of the association of" and substituting "by first class mail to the members of the association to be acquired explaining"; and

on page 6, on line 17, after "bank." and before the next sentence, by inserting:

"Provided; however, with respect to a merger of two mutual savings banks, as an alternative to the methods of notice specified above, the mutual savings bank which is to be the surviving savings bank of the proposed merger may provide the notice of meeting by publication of notice at least once a week for four consecutive weeks in one or more newspapers in general circulation in the county or counties in which the savings bank has its principal and any branch offices"; and

on page 9, lines 13 and 14, by deleting "of the members of the savings bank of" and substituting "by first class mail to the members of the savings bank to be acquired explaining"; and

on page 9, beginning on line 24 by deleting Section 8, and by renumbering the following section accordingly.

The Senate agrees to same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 19, 1995.

S/R.C. Soles, Jr.	S/Tim Tallent
S/Donald R. Kincaid	S/Cary D. Allred
S/Paul S. Smith	S/Walter Church, Sr.
S/Ed N. Warren	S/Robert C. Hunter
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Soles, the Conference Report is adopted (45–0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee:**

S.B. 503 (Committee Substitute), a bill to allow the Division of Motor Vehicles to issue restricted commercial drivers licenses to seasonal drivers for certain farm–related services industries, with a favorable report.

H.B. 952 (Committee Substitute), a bill to establish the North Carolina Bridge Authority, with a favorable report.

H.B. 458 (Committee Substitute), a bill to impose conditions for the restoration or continued enjoyment of a driving privilege after a conviction for driving while impaired or driving while a provisional licensee after consuming drugs or alcohol, and to promote compliance with these conditions, with an unfavorable report as to Committee Substitute bill, as amended upon the recommendation of the **Judiciary II/Election Laws Committee**, but favorable as to Senate Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Senate Committee Substitute bill 9158, which changes the title, upon concurrence, to read **H.B. 458** (Senate Committee Substitute), a bill to impose conditions for the restoration of a drivers license after a conviction for certain alcohol–related driving offenses and to promote compliance with these conditions, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 24, for further consideration.

CONFERENCE REPORT

S.B. 320 (House Committee Substitute)

Senator Hartsell for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 320** (House Committee Substitute), a bill to be known as the North Carolina Uniform Custodial Trust Act and to make conforming amendments to the power of attorney statutes, as recommended by the General Statutes Commission, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 320, A BILL TO BE ENTITLED AN ACT TO BE KNOWN AS THE NORTH CAROLINA UNIFORM CUSTODIAL TRUST ACT AND TO MAKE CONFORMING AMENDMENTS TO THE POWER OF ATTORNEY STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, Fourth Edition Engrossed 6/29/95, submit the following report:

That the Senate concurs in the House Committee Substitute for Senate Bill 320 (Fourth Edition) with the following amendment:

on page 14, lines 33 and 34, by adding between those lines the following: "**§33B–22. Limitation on value of custodial trust property.**

Transfers or declarations of property to the corpus of a custodial trust under this act shall not exceed in the aggregate one hundred thousand dollars ($100,000) in value, exclusive of the value of the transferor's or declarant's personal residence. This limitation shall not apply to any appreciation in the value of the corpus held in the custodial trust. A good faith violation of this section shall not invalidate a custodial trust."

The House agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 20, 1995.

S/Fletcher L. Hartsell, Jr.	S/Leo Daughtry
S/Wib P. Gulley	S/Willis Brown
S/J. Kerr	S/Larry R. Linney
Conferees for the Senate	*Conferees for the House of Representatives*

Upon the appearance of Senator Martin of Pitt in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

On motion of Senator Hartsell, the Conference Report is adopted (47–0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Rand for the **Rules and Operation of the Senate Committee**:

H.B. 897 (Committee Substitute), a bill to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives, with an unfavorable as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rand, the rules are suspended, and the proposed Senate Committee Substitute bill 9161, which changes the title, upon concurrence, to read **H.B. 897** (Senate Committee Substitute), a bill to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives; and to increase the number of General Assembly appointees to the Western North Carolina Regional Economic Development Commission, is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 24, for further consideration.

CONFERENCE REPORT

H.B. 873

Senator Albertson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 873**, a bill to limit the substances that applicators of pesticides are authorized to apply and to provide for the pesticide applicator's license to be revoked, suspended, or denied for violating this limitation, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 873, AN ACT TO LIMIT THE SUBSTANCES THAT APPLICATORS OF PESTICIDES ARE AUTHORIZED TO APPLY AND TO PROVIDE FOR THE PESTICIDE APPLICATOR'S LICENSE TO BE REVOKED, SUSPENDED, OR DENIED FOR VIOLATING THIS LIMITATION, submit the following report:

The Senate recedes from Senate Amendment #2 and the House and Senate agree to the following amendment:

on page 1, line 11, by deleting the phrase "chemical composition of" and substituting the phrase "active ingredients contained in"; and

on page 2, line 1, by deleting the phrase "chemical composition of" and substituting the phrase "active ingredients contained in".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 18, 1995.

S/Charles W. Albertson	S/Joseph Shawn Lemmond
S/John G. Blackmon	S/L.E. Mercer
S/John H. Carrington	S/Gregory J. Thompson
S/James D. Speed	
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Albertson, the Conference Report is adopted (45–2), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 136, an act to again extend expiring provisions. (Ch. 467)

CALENDAR (Continued)

H.B. 120 (Committee Substitute No. 2), a bill to revise the window tinting laws, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—44.

Voting in the negative: Senators Horton and Webster—2.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for Monday, July 24, for further consideration upon third reading.

H.B. 555 (Senate Committee Substitute), a bill to create a North Carolina Boxing Commission, upon second reading.

Senator Conder offers Amendment No. 1 which is adopted (46–1).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—46.

Voting in the negative: Senator Webster—1.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, July 24, for further consideration upon third reading.

H.B. 836 (Committee Substitute No. 2), a bill to expedite the environmental permitting process by allowing the option of submitting permit applications certified by a professional engineer and allowing these applications to be immediately sent to public notice and hearing and subjected to simultaneous technical review, and to increase the maximum amount of the fee that the Environmental Management Commission may assess for processing an application for a permit under the water and air quality programs, changing the title, upon concurrence, to read **H.B. 836** (Senate Committee Substitute), a bill to expedite the environmental permitting process by allowing the option of submitting permit applications certified by a professional engineer and allowing these applications to be expeditiously processed by providing early public notice, public hearing, and technical review, and to increase the maximum amount of the fee that the Environmental Management Commission may assess for processing an application for a permit under the water and air quality programs, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton,

Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for Monday, July 24, for further consideration upon third reading.

CONFERENCE REPORT

S.B. 865 (House Committee Substitute)

Senator Cochrane, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 865** (House Committee Substitute), a bill to amend the State laws regarding the purchase of a handgun to conform to the requirements of the "Brady Handgun Violence Prevention Act", submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 865, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE LAWS REGARDING THE PURCHASE OF A HANDGUN TO CONFORM TO THE REQUIREMENTS OF THE "BRADY HANDGUN VIOLENCE PREVENTION ACT.", Third Edition Engrossed 6/30/95, submit the following report: The Senate concurs in the House Committee Substitute (Third Edition) with the following amendments:

on page 4, lines 15–22,
by deleting those lines;

and on page 5, lines 15–16,
by deleting "(Second Edition)".

And the House agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July , 1995.

S/Betsy L. Cochrane	S/J. Sam Ellis
S/John H. Kerr	John M. Nichols
S/Roy A. Cooper III	S/H. M. Michaux, Jr.
S/Dan Simpson	S/M.S. Wilkins
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Cochrane, the Conference Report is adopted (47–0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 917 (Committee Substitute), a bill to allow members of the Soil and Water Conservation Commission and supervisors of soil and water conservation districts to participate in the Agriculture Cost Share Program for Nonpoint Source Pollution Control and to appropriate funds for the Agriculture Cost Share Program for Nonpoint Source Pollution Control to be used for capital expenses associated with developing agriculture waste management measures.

Senator Albertson offers Amendment No. 2 which is adopted (46–1), changing the title to read **S.B. 917** (Committee Substitute), a bill to allow members of the Soil and Water Conservation Commission and supervisors of soil and water conservation districts to participate in the Agriculture Cost Share Program for Nonpoint Source Pollution Control and to allocate funds for the Agriculture Cost Share Program for Nonpoint Source Pollution Control to be used for capital expenses associated with developing agriculture waste management measures.

The Committee Substitute bill, as amended, passes its second (45–2) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

H.B. 72, a bill to criminalize indecent liberties between children.

On motion of Senator Gulley, the Chair orders, without objection, the bill temporarily displaced.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 24 (House Committee Substitute), a bill to refocus the school testing program on the basics, with the motion of Senator Lucas prevailing on Wednesday, July 19, the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Winner, Chairman, and Senators Lucas and Davis as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill for concurrence which is read and disposed of, as follows:

S.B. 58 (House Committee Substitute), a bill to make technical corrections in voter registration laws and other election laws, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, July 24.

A special message is received from the House of Representatives transmitting a joint resolution which is read the first time and disposed of, as follows:

H.J.R. 1069 (Committee Substitute), a joint resolution setting the time for adjournment of the 1995 General Assembly to meet in 1996, limiting the subjects that may be considered in that Session, and providing for adjournment *sine die* of the General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

With bills remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Simpson, the Senate adjourns at 11:54 A.M. to meet Monday, July 24, at 5:00 P.M.

ONE HUNDRED FOURTH DAY

SENATE CHAMBER,
Monday, July 24, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer adapted and paraphrased from *Be Thou Present* by the Reverend Peggy Haymes is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father,
In the midst of our times of happiness this week,
Be Thou our Joy.
In the midst of our doubt,
Be Thou our Faith.
In the midst of frustration,
Be Thou our Hope.
In the midst of our fear,
Be Thou our Strength.
In the midst of all the work of this Senate,
Be Thou Ever Present. Amen."

With unanimous consent, the President grants a leave of absence for tonight to Senator Edwards due to business.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, July 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Richard Carlino of Raleigh, who is serving the Senate as Doctor of the Day.

Pursuant to the motion prevailing on Tuesday, July 18, all measures ordered sent to the House of Representatives through adjournment of the First Regular Session are sent by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 121 (Committee Substitute), an act to revise the procedures for assessments of inheritance tax following a federal determination. (Ch. 468)

S.B. 630 (Committee Substitute), an act to provide for billing fees for structural and natural stormwater and drainage systems in Cumberland County. (Ch. 469)

H.B. 914 (Senate Committee Substitute), an act to modify the appointment and conditions of office of members of the State Board of Community Colleges and Boards of Trustees of Community Colleges. (Ch. 470)

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 913 (Committee Substitute), a bill to provide for prelitigation mediation of farm disputes regarding nuisance claims, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Senate Committee Substitute bill 9162 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Kerr, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 25, for further consideration.

H.B. 1001 (Committee Substitute), a bill to exempt from property tax noncommercial motor vehicles that are thirty years old or older and are maintained for use in exhibitions, club activities, parades, and other public interest functions, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Senate Committee Substitute bill 2190, which changes the title, upon concurrence, to read **H.B. 1001** (Senate Committee Substitute), a bill to provide that antique automobiles shall be valued at no more than five hundred dollars for property tax purposes, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, July 25, for further consideration.

INTRODUCTION OF A RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1103, a joint resolution setting the time for adjournment of the 1995 General Assembly to meet in 1996, limiting the subjects that may be considered in that Session, and providing for adjournment *sine die* of the General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence which are read and disposed of, as follows:

S.B. 754, a bill to allow motor vehicle dealers to include in their possessory liens amounts for rental of substitute vehicles and to allow lienors who purchase for value at a sale to acquire clear title to the same extent as other purchasers, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 754** (House Committee Substitute), a bill to allow motor vehicle dealers to include in their possessory liens amounts for rental of substitute vehicles, to allow lienors who purchase for value at a sale to acquire clear title to the same extent as other purchasers, to permit a motor vehicle dealer to name a successor to the franchise and to require that objections to this appointment be raised at the time the appointment is made, which is placed on the Calendar for tomorrow, Tuesday, July 25.

S.B. 1049 (Committee Substitute), a bill to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and to limit credits for investments in certain investment businesses, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1049** (House Committee Substitute), a bill to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and to authorize the Legislative Research Commission to study the qualified business tax credit, which the Chair rules a material amendment and further rules the measure requires a call of the roll.

The Chair orders the House Committee Substitute bill placed on the Calendar for tomorrow, Tuesday, July 25, for concurrence upon second reading.

CALENDAR

Bills on the Calendar carried forward as unfinished business from Thursday, July 20, are taken up and disposed of, as follows:

H.B. 72, a bill to criminalize indecent liberties between children.

Senator Ballantine offers Amendment No. 1 which is adopted (49–0).

The bill, as amended, passes its second reading (47–1) and third reading (48–1) and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 545 (Senate Committee Substitute), a bill to broaden the law providing for the establishment of cartways.

Following lengthy debate, Senator Ballance offers a motion the Senate Committee Substitute bill be recommitted to the **Judiciary II/Election Laws Committee.**

Following debate, Senator Ballance calls the previous question, seconded by Senator Odom. The call is sustained.

The motion to recommit the Senate Committee Substitute bill to the **Judiciary II/Election Laws Committee** prevails (25–24).

The Chair orders the Senate Committee Substitute bill recommitted to the **Judiciary II/Election Laws Committee.**

H.B. 594, a bill to prohibit discrimination in health and accident insurance against coverage for procedures involving certain bones or joints.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (48–1).

Senator McDaniel objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the bill, as amended, placed on the Calendar for tomorrow, Tuesday, July 25, for further consideration upon third reading.

RECONSIDERATION

H.B. 545 (Senate Committee Substitute), a bill to broaden the law providing for the establishment of cartways, with the motion to recommit the Senate Committee Substitute bill to the **Judiciary II/ Election Laws Committee** prevailing earlier today.

Senator Martin of Pitt offers a motion that the vote by which the motion to recommit the Senate Committee Substitute bill to the **Judiciary II/Election Laws Committee** prevailed be reconsidered, which motion fails to prevail (19–29).

CALENDAR (Unfinished Business Continued)

H.B. 759, a bill to provide that a home for the aged, sick, or infirm whose property is exempt from property tax is allowed a refund of State and local sales and use taxes, upon third reading.

The bill passes its third reading (48–1) and is ordered enrolled.

S.B. 931 (House Committee Substitute), a bill to provide safeguards to reduce the chances and lessen the effects of workers' compensation self–insurance insolvencies and appropriate funds to implement this act, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (49–0) and the measure is ordered enrolled.

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 550 (Committee Substitute), a bill to allow Randolph County to acquire property for use by the County Board of Education, changing the title, upon concurrence, to read **H.B. 550** (Senate Committee Substitute), a bill removing a certain tract of property from the corporate limits of the Town of Ramseur and to limit annexation and extraterritorial zoning in the Town of North Topsail Beach, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll–call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—48.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 120 (Committee Substitute No. 2), a bill to revise the window tinting laws, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—45.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill No. 2 is ordered enrolled.

H.B. 443 (Committee Substitute No. 2), a bill to require all real estate appraisers to be licensed and to provide for the registration of trainee real estate appraisers, as amended, upon third reading.

Senator Ledbetter offers Amendment No. 2.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Amendment No. 2 offered by Senator Ledbetter is adopted (48–0).

The Chair orders, without objection, the Committee Substitute bill No. 2, as amended, temporarily displaced.

H.B. 555 (Senate Committee Substitute), a bill to create a North Carolina Boxing Commission, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—44.

Voting in the negative: Senator Webster—1.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 836 (Committee Substitute No. 2), a bill to expedite the environmental permitting process by allowing the option of submitting permit applications certified by a professional engineer and allowing these applications to be immediately sent to public notice and hearing and subjected to simultaneous technical review, and to increase the maximum amount of the fee that the Environmental Management Commission may assess for processing an application for a permit under the water and air quality programs, changing the title, upon concurrence, to read **H.B. 836** (Senate Committee Substitute), a bill to expedite the environmental permitting process by allowing the option of submitting permit applications certified by a professional engineer and allowing these applications to be expeditiously processed by providing early public notice, public hearing, and technical review, and to increase the maximum amount of the fee that the Environmental

Management Commission may assess for processing an application for a permit under the water and air quality programs, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: Senator Clark—1.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 396 (Committee Substitute), a bill to modify the State ports tax credit by expanding it to include imports, by extending the sunset on the credit, and by limiting the credit for bulk exports, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—48.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, July 25, for further consideration upon third reading.

H.B. 458 (Committee Substitute), a bill to impose conditions for the restoration or continued enjoyment of a driving privilege after a conviction for driving while impaired or driving while a provisional licensee after consuming drugs or alcohol, and to promote compliance with these conditions, changing the title, upon concurrence, to read **H.B. 458** (Senate Committee Substitute), a bill to impose conditions for the restoration of a drivers license after a conviction for certain alcohol-related driving offenses and to promote compliance with these conditions, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—45.

Voting in the negative: Senators Horton and Sawyer—2.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, July 25, for further consideration upon third reading.

H.B. 952 (Committee Substitute), a bill to establish the North Carolina Bridge Authority, upon second reading.

The President Pro Tempore relinquishes the gavel to the President of the Senate, the Lieutenant Governor Wicker, who presides.

Following debate, Senator Kerr calls the previous question, seconded by Senator Conder. The call is sustained.

The Committee Substitute bill passes its second reading by roll–call vote, ayes 41, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Conder, Cooper, Dannelly, Davis, East, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—41.

Voting in the negative: Senators Clark, Cochrane, Forrester, McDaniel, McKoy, Page, and Webster—7.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, July 25, for further consideration upon third reading.

H.B. 443 (Committee Substitute No. 2), a bill to require all real estate appraisers to be licensed and to provide for the registration of trainee real estate appraisers, as amended, temporarily displaced earlier.

Senator Ledbetter offers Amendment No. 3 which is adopted (46–0).

The Committee Substitute No. 2, as amended, passes its third reading by roll–call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—46.

Voting in the negative: Senators Horton and Page—2.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1, No. 2, and No. 3 by special messenger.

H.B. 594, a bill to prohibit discrimination in health and accident insurance against coverage for procedures involving certain bones or joints, as amended, placed earlier tonight on the Calendar for Tuesday, July 25, upon third reading.

With unanimous consent, Senator McDaniel withdraws his objection to third reading, the Senate reconsiders and the bill, as amended, is taken from the Calendar for Tuesday, July 25, and placed before the Senate for further consideration upon third reading.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

S.B. 503 (Committee Substitute), a bill to allow the Division of Motor Vehicles to issue restricted commercial drivers licenses to seasonal drivers for certain farm–related services industries.

The Committee Substitute bill passes its second reading (46–2).

On motion of Senator Kincaid, further consideration of the Committee Substitute bill is postponed until Tuesday, July 25 (35–14).

H.B. 897 (Committee Substitute), a bill to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives, changing the title, upon concurrence, to read **H.B. 897** (Senate Committee Substitute), a bill to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives; and to increase the number of General Assembly appointees to the Western North Carolina Regional Economic Development Commission.

Senator Rand offers Amendment No. 1 which is adopted (47–2).

Senator Rand offers Amendment No. 2 which is adopted (47–1).

The Senate Committee Substitute bill, as amended, passes its second (47–1) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

S.B. 58 (House Committee Substitute), a bill to make technical corrections in voter registration laws and other election laws, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (10–37).

Senator Plexico offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

PAGES

The President recognizes the following pages serving in the Senate this week:

Jonathan Braden Collins, Zebulon; William Pierce Copenhaver II, Winston-Salem; Tocarra Ellis, Raleigh; Seth Furr, Raleigh; Dwight Hawkins, Raleigh; Katrina Dee Jones, Raleigh; Trent Edward Lindsay, Concord; Margaret Darden Matthews, Raleigh; Stephanie Milford, Raleigh; Catherine Mooney, Raleigh; Sara H. Patterson, Raleigh; Thomas Pipkin, Raleigh; Henry W. B. Smith IV, Greensboro; and Meghann L. Watson, Raleigh.

CALENDAR (Continued)

S.B. 503 (Committee Substitute), a bill to allow the Division of Motor Vehicles to issue restricted commercial drivers licenses to seasonal drivers for certain farm-related services industries, placed earlier tonight on the Calendar for July 25, upon third reading.

Senator East offers a motion the Senate reconsider the vote by which the Committee Substitute bill was placed on the Calendar for July 25 upon third reading, which motion prevails. The Committee Substitute bill is taken from the Calendar for Tuesday, July 25, and placed before the Senate for further consideration upon third reading.

The Committee Substitute bill passes its third reading (45–0) and is ordered sent to the House of Representatives by special messenger.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 58 (House Committee Substitute), a bill to make technical corrections in voter registration laws and other election laws, with the motion of Senator Plexico prevailing earlier tonight, the Senate do appoint conferees.

The President *Pro Tempore* appoints Senator Plexico, Chairman, and Senators Ballance, Gulley, and Kincaid as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator Hobbs, the Senate adjourns at 7:26 P.M. to meet tomorrow, Tuesday, July 25, at 10:00 A.M.

ONE HUNDRED FIFTH DAY

SENATE CHAMBER,
Tuesday, July 25, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, our prayers over the last six months have included a great number of requests. We are proficient at that. Today, may we simply thank You for all You have done in response to our petitions.

"Let our thanksgiving be not merely routine, but spring from the deep, glad places of our hearts.

"May our prayers and words ring with the honesty of confession, the warmth of love, the stubbornness of hope.

"Open our eyes and hearts today to the fact that You are among us and let us live and move forward triumphantly with the assurance of that knowledge. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Forrester to cover medical practice.

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, July 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor, in absentia, to Dr. Robert Jacobson of Raleigh, who is serving the Senate as Doctor of the Day.

Pursuant to the motion prevailing on Tuesday, July 18, all measures ordered sent to the House of Representatives through adjournment of the First Regular Session are sent by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 931 (House Committee Substitute), an act to provide safeguards to reduce the chances and lessen the effects of workers' compensation self-insurance insolvencies and appropriate funds to implement this act. (Ch. 471)

H.B. 759, an act to provide that a home for the aged, sick, or infirm whose property is exempt from property tax is allowed a refund of State and local sales and use taxes. (Ch. 472)

H.B. 120 (Committee Substitute No. 2), an act to revise the window tinting laws. (Ch. 473)

H.B. 223 (Senate Committee Substitute), an act to reduce the excise tax on soft drinks. (Ch. 474)

H.B. 280 (Committee Substitute), an act to prohibit the sale of certain pyrotechnics to persons under the age of sixteen. (Ch. 475)

H.B. 281 (Committee Substitute No. 2), an act to create the Residential Property Disclosure Act. (Ch. 476)

H.B. 55 (Committee Substitute), an act to provide that sales tax preferences for agriculture apply to aquaculture. (Ch. 477)

H.B. 873, an act to limit the substances that applicators of pesticides are authorized to apply and to provide for the pesticide applicator's license to be revoked, suspended, or denied for violating this limitation. (Ch. 478)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence which are read and disposed of, as follows:

S.B. 140 (Committee Substitute), a bill to clarify the purpose for a moment of silence in the public schools and to prohibit local boards of education from adopting policies that deny certain First Amendment rights, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Wednesday, July 26.

S.B. 742, a bill to authorize the Secretary of the Department of Human Resources to investigate the deaths of certain Thomas S. class members, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Wednesday, July 26.

S.B. 901, a bill to provide parity between the President *Pro Tempore* and the Speaker by having certain appointments made by or upon the recommendation of

the President *Pro Tempore* of the Senate rather than the President of the Senate, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Wednesday, July 26.

RECONSIDERATION

H.B. 897 (Committee Substitute), a bill to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives, changing the title, upon concurrence, to read **H.B. 897** (Senate Committee Substitute), a bill to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives; and to increase the number of General Assembly appointees to the Western North Carolina Regional Economic Development Commission, which passed third reading as amended on July 24.

Senator Rand offers a motion the Senate Committee Substitute bill as amended be recalled from the Office of the Principal Clerk and that the vote by which the Senate Committee Substitute bill, as amended, passed its third reading be reconsidered, which motions prevail with unanimous consent, and the question reverts to the Senate Committee Substitute bill, as amended, upon third reading.

Senator Rand offers Amendment No. 3 which is adopted (45–2).

The Senate Committee Substitute bill, as amended, passes its third reading (47–1).

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

COMMITTEE REFERRAL RECALL

H.B. 941 (Committee Substitute), a bill to conform the provisions of the Public Utilities Chapter of the General Statutes to the federal preemption of State regulation of intrastate transportation of property except household goods and to the federal preemption of State regulation of wireless telecommunications carriers, and to increase the application fee, referred to the **Judiciary I/Constitution Committee** on July 7.

Pursuant to Rule 47(b), Senator Cooper offers a motion the Committee Substitute bill be taken from the **Judiciary I/Constitution Committee** and re–referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the **Judiciary I/ Constitution Committee** and refers the measure to the **Finance Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 24
(House Committee Substitute)

House of Representatives
July 24, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **SB 24**, A BILL TO BE ENTITLED AN ACT TO

REFOCUS THE SCHOOL TESTING PROGRAM ON THE BASICS, the Speaker has appointed as conferees on the part of the House,

Representative Wood,
Representative Russell,
Representative Preston, and
Representative Crawford

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 415
(House Committee Substitute)

House of Representatives
July 24, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **SB 415,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MERGER OF BANKS AND SAVINGS INSTITUTIONS AND TO LIMIT THE SIMULTANEOUS CONVERSION/MERGERS OF MUTUAL AND STOCK INSTITUTIONS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 3
(Senate Committee Substitute)

House of Representatives
July 24, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute to **HB 3,** A BILL TO BE ENTITLED AN ACT TO PROVIDE GOVERNMENTAL ACCOUNTABILITY AND PROTECTION TO THE TAXPAYERS BY LIMITING INCREASES IN THE GENERAL FUND BUDGET, REFORMING THE BUDGET PROCESS, ESTABLISHING AN EMERGENCY RESERVE TRUST FUND, AND PROHIBITING UNFUNDED STATE MANDATES, which proposes to change the title, upon concurrence to read, A BILL TO BE ENTITLED AN ACT TO PROTECT THE TAXPAYERS OF NORTH

CAROLINA BY LIMITING INCREASES IN THE GENERAL FUND BUDGET, PROHIBITING UNFUNDED STATE MANDATES, AND ESTABLISHING OTHER TAXPAYER RIGHTS, the Speaker has appointed as conferees on the part of the House,

Representative Russell, Chair;
Representative Capps,
Representative Cansler,
Representative C. Wilson, and
Representative Crawford

to act with a like committee on the part of the Senate to the end that differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 637
(Senate Committee Substitute No. 2)

House of Representatives
July 24, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute # 2 to **HB 637,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING PRODUCTS LIABILITY, the Speaker has appointed as conferees on the part of the House,

Representative Neely,
Representative Daughtry,
Representative Morgan, and
Representative Richardson

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 58
(House Committee Substitute)

House of Representatives
July 24, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute for **SB 58,** A BILL TO BE ENTITLED AN ACT

TO MAKE TECHNICAL CORRECTIONS IN VOTER REGISTRATION LAWS AND OTHER ELECTION LAWS, the Speaker has appointed as conferees on the part of the House,

Representative Morgan,
Representative Justus,
Representative Cansler,
Representative Grady, and
Representative Crawford

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 396 (Committee Substitute), a bill to modify the State ports tax credit by expanding it to include imports, by extending the sunset on the credit, and by limiting the credit for bulk exports, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—45.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 458 (Committee Substitute), a bill to impose conditions for the restoration or continued enjoyment of a driving privilege after a conviction for driving while impaired or driving while a provisional licensee after consuming drugs or alcohol, and to promote compliance with these conditions, changing the title, upon concurrence, to read **H.B. 458** (Senate Committee Substitute), a bill to impose conditions for the restoration of a drivers license after a conviction for certain alcohol-related driving offenses and to promote compliance with these conditions, upon third reading.

Senator Rand offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly,

Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Smith, Soles, Speed, Warren, and Winner—46.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 952 (Committee Substitute), a bill to establish the North Carolina Bridge Authority, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plexico, Plyler, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, and Winner—43.

Voting in the negative: Senators Clark, McDaniel, Page, and Webster—4.

The Committee Substitute bill is ordered enrolled.

H.B. 913 (Senate Committee Substitute), a bill to provide for prelitigation mediation of farm disputes regarding nuisance claims, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—44.

Voting in the negative: Senators Clark, Horton, McKoy, and Shaw—4.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, July 26, for further consideration upon third reading.

H.B. 1001 (Committee Substitute), a bill to exempt from property tax noncommercial motor vehicles that are thirty years old or older and are maintained for use in exhibitions, club activities, parades, and other public interest functions, changing the title, upon concurrence, to read **H.B. 1001** (Senate Committee Substitute), a bill to provide that antique automobiles shall be valued at no more than five hundred dollars for property tax purposes.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

S.B. 1049 (Committee Substitute), a bill to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and to limit credits for investments in certain investment businesses, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1049** (House Committee Substitute), a bill to clarify the

qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and to authorize the Legislative Research Commission to study the qualified business tax credit, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plexico, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 26, for further consideration upon concurrence, upon third reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence which are read and disposed of, as follows:

S.B. 691 (House Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the President *Pro Tempore* of the Senate, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, July 26.

S.B. 828 (House Committee Substitute No. 2), a bill to make appointments to various commissions upon the recommendation of the President of the Senate, for concurrence in the House Committee Substitute bill No. 2, which is placed on the Calendar for tomorrow, Wednesday, July 26.

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 389 (Committee Substitute No. 2), a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for grants to counties for public school building capital projects, in order to promote equity in local school facilities across the State and to enable local governments to give local property tax relief.

Referred to **Finance Committee.**

Additional special messages are received from the House of Representatives, as follows:

S.B. 320
(House Committee Substitute)

House of Representatives
July 25, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee

Substitute for **S.B. 320**, A BILL TO BE ENTITLED AN ACT TO BE KNOWN AS THE NORTH CAROLINA UNIFORM CUSTODIAL TRUST ACT AND TO MAKE CONFORMING AMENDMENTS TO THE POWER OF ATTORNEY STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 865
(House Committee Substitute)

House of Representatives
July 25, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for **S.B. 865**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE LAWS REGARDING THE PURCHASE OF A HANDGUN TO CONFORM TO THE REQUIREMENTS OF THE "BRADY HANDGUN VIOLENCE PREVENTION ACT". Pursuant to your message that your Honorable Body has adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill enrolled.

CALENDAR (Continued)

S.B. 754, a bill to allow motor vehicle dealers to include in their possessory liens amounts for rental of substitute vehicles and to allow lienors who purchase for value at a sale to acquire clear title to the same extent as other purchasers, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 754** (House Committee Substitute), a bill to allow motor vehicle dealers to include in their possessory liens amounts for rental of substitute vehicles, to allow lienors who purchase for value at a sale to acquire clear title to the same extent as other purchasers, to permit a motor vehicle dealer to name a successor to the franchise and to require that objections to this appointment be raised at the time the appointment is made.

The Senate concurs in the House Committee Substitute bill (46–0) and the measure is ordered enrolled.

With unanimous consent, the Senate recesses at 10:59 A.M. to reconvene at 11:10 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

CALENDAR (Continued)

H.B. 1001 (Committee Substitute), a bill to exempt from property tax non-commercial motor vehicles that are thirty years old or older and are maintained for use in exhibitions, club activities, parades, and other public interest functions, changing the title, upon concurrence, to read **H.B. 1001** (Senate Committee Substitute), a bill to provide that antique automobiles shall be valued at no more than five hundred dollars for property tax purposes, temporarily displaced earlier.

The Chair rules the Senate Committee Substitute bill requires a call of the roll.

Senator Kerr offers Amendment No. 1.

Without objection, Senator Davis is excused from voting on the measure for the stated reason "member of 2 old car clubs/owner of several old cars/own business that restores old cars."

Amendment No. 1, offered by Senator Kerr, is adopted (47–0).

Senator Odom offers Amendment No. 2, held to be material, and further changing the title, upon concurrence, to read **H.B. 1001** (Senate Committee Substitute), a bill to provide that antique automobiles shall be valued at no more than five hundred dollars for property tax purposes and to eliminate double taxation of a motor vehicle when the owner moves away and then returns to the State within one year, which is adopted (44–3) constituting the first reading of the measure.

The Chair orders the Senate Committee Substitute bill, as amended, placed on the Calendar for tomorrow, Wednesday, July 26, for further consideration upon second reading.

On motion of Senator Basnight, seconded by Senator Winner, the Senate adjourns at 11:31 A.M. to meet tomorrow, Wednesday, July 26, at 2:00 P.M.

ONE HUNDRED SIXTH DAY

SENATE CHAMBER,
Wednesday, July 26, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, double-mindedness is a mean adversary. It's like seeing a dog coming toward us showing his teeth and wagging his tail. We never know which to believe.

"Help us to discern and help correct double-mindedness in others and in ourselves, so that our 'yes' means 'yes' and our 'no,' 'no.' In the Kingdom's economy, O God, we are either for You or against You. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Plexico, "representing North Carolina at the Governor's and President *Pro Tempore*'s request at the Southern Regional Educational Board."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, July 25, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

COURTESIES OF THE FLOOR

The Chair recognizes the Sergeant–at–Arms who announces members of the AA–All American 82nd Airborne Chorus Group are at the door and await the direction of the President of the Senate.

With unanimous consent, on motion of Senator Rand, the rules are suspended to the end members of the 82nd Airborne Division of the United States Army from Fort Bragg are granted privileges of the floor.

The President directs the Sergeant–at–Arms to open the doors of the Senate and admit the members of the AA–All American 82nd Airborne Chorus Group. (*See Appendix*)

The AA–All American 82nd Airborne Chorus Group enters the Chapmber with a regimented drill and presents an *a capella* program of music including "This Is My Country," "Elvira," "America the Beautiful," "God Bless the U.S.A.," "The Dog–Faced Soldier." The Senate responds with a standing ovation. Following their performance, the AA–All American Chorus Group exits the Chamber with a regimented drill.

The Chair recognizes Senator Rand who presents Major Rivers Johnson, Public Affairs Officer of the 82nd Airborne Division of the United States Army from Fort Bragg, to the President of the Senate. Major Johnson introduces Sergeant First Class Lambert, Non–Commissioned Officer of the Year, and Specialist Kim, Soldier of the Year. Major Johnson is recognized to offer brief remarks. Sergeant First Class Lambert also offers brief remarks. Upon the conclusion of their remarks, Major Johnson, Sergeant First Class Lambert, and Specialist Kim are seated in the Chamber along with the members of the AA–All American 82nd Airborne Chorus Group who return to the Chamber.

S.J.R. 1100, a joint resolution honoring the contributions of the 82nd Airborne Division and remembering the twenty–four paratroopers from the 82nd Airborne Division who lost their lives during a routine training mission on March 23, 1994, ordered held in the Office of the Principal Clerk on July 10.

Senator Rand offers a motion the joint resolution be recalled from the Office of the Principal Clerk and placed before the Senate for immediate consideration upon its passage, which motions prevail with unanimous consent.

The Chair recalls the joint resolution from the Office of the Principal Clerk and places it before the Senate for immediate consideration upon its passage.

With unanimous consent, on motion of Senator Rand, the joint resolution is read in its entirety with members standing for the reading of the names of those members of the 82nd Airborne Division being memorialized.

With unanimous consent, on motion of Senator Rand, the joint resolution passes its second and third readings, with members standing, and is ordered sent to the House of Representatives by special messenger.

The President recognizes and thanks the members of the 82nd Airborne Division for their performance today and for their service to the community and the country. The guests exit the Chamber.

The President of the Senate extends courtesies of the floor to Dr. George Clutts of Greensboro, who is serving the Senate as Doctor of the Day.

Pursuant to the motion prevailing on Tuesday, July 18, all measures ordered sent to the House of Representatives through adjournment of the First Regular Session are sent by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 415 (House Committee Substitute), an act to provide for the merger of banks and savings institutions and to limit the simultaneous conversion/mergers of mutual and stock institutions. (Ch. 479)

S.B. 754 (House Committee Substitute), an act to allow motor vehicle dealers to include in their possessory liens amounts for rental of substitute vehicles, to allow lienors who purchase for value at a sale to acquire clear title to the same extent as other purchasers, to permit a motor vehicle dealer to name a successor to the franchise and to require that objections to this appointment be raised at the time the appointment is made. (Ch. 480)

S.B. 776, an act to establish a task force to determine a minimum reimbursement rate for Adult Developmental Activity Programs (ADAP). (Ch. 481)

H.B. 443 (Committee Substitute No. 2), an act to require all real estate appraisers to be licensed and to provide for the registration of trainee real estate appraisers. (Ch. 482)

H.B. 594, an act to prohibit discrimination in health and accident insurance against coverage for procedures involving certain bones or joints. (Ch. 483)

H.B. 836 (Senate Committee Substitute), an act to expedite the environmental permitting process by allowing the option of submitting permit applications certified by a professional engineer and allowing these applications to be expeditiously processed by providing early public notice, public hearing, and technical review, and to increase the maximum amount of the fee that the Environmental Management Commission may assess for processing an application for a permit under the water and air quality programs. (Ch. 484)

H.B. 952 (Committee Substitute), an act to establish the North Carolina Bridge Authority. (Ch. 485)

S.B. 320 (House Committee Substitute), an act to be known as the North Carolina Uniform Custodial Trust Act and to make conforming amendments to the

power of attorney statutes, as recommended by the General Statutes Commission. (Ch. 486)

S.B. 865 (House Committee Substitute), an act to amend the State laws regarding the purchase of a handgun to conform to the requirements of the "Brady Handgun Violence Prevention Act". (Ch. 487)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary I/Constitution Committee**:

H.B. 729 (Committee Substitute), a bill to establish standards and procedures for the recovery of punitive damages in civil actions, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 2186 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 27, for further consideration.

By Senator Plyler for the **Appropriations Committee**:

H.B. 738 (Committee Substitute), a bill to authorize the issuance of twenty–three million nine hundred thousand dollars of Community College Bonds or notes and to appropriate the proceeds of these Bonds and notes for specific community college capital projects, with a favorable report, as amended.

With unanimous consent, on motion of Senator Conder, the rules are suspended and the Committee Substitute bill remains before the Senate for immediate consideration upon second reading.

On motion of Senator Plyler, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 738** (Committee Substitute), a bill to authorize the issuance of twenty–three million nine hundred thousand dollars of Community College Bonds or notes, and to appropriate the proceeds of these Bonds and notes for specific community college capital projects, and to provide for reallocation of the proceeds of Community College Bonds or notes if matching requirements are not met.

The Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 45, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Perdue, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: Senators Blackmon, Jordan, and Parnell—3.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 27, for further consideration upon third reading.

By Senator Sherron for the **Finance Committee**:

H.B. 941 (Committee Substitute), a bill to conform the provisions of the Public Utilities Chapter of the General Statutes to the federal preemption of State regulation of intrastate transportation of property except household goods and to the federal preemption of State regulation of wireless telecommunications carriers, and to increase the application fee, with a favorable report, as amended.

H.B. 389 (Committee Substitute No. 2), a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for grants to counties for public school building capital projects, in order to promote equity in local school facilities across the State and to enable local governments to give local property tax relief, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill 4197 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Sherron, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 27, for further consideration.

COMMITTEE REFERRAL RECALL

H.B. 300, a bill authorizing limited purchasing of goods and services from non-certified sources, referred to the **Commerce Committee** on March 14.

Pursuant to Rule 47(b), Senator Parnell offers a motion the bill be taken from the **Commerce Committee** and re-referred to the **Finance Committee**, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the **Commerce Committee** and refers the measure to the **Finance Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 3 (Committee Substitute), a bill to provide governmental accountability and protection to the taxpayers by limiting increases in the General Fund budget, reforming the budget process, establishing an Emergency Reserve Trust Fund, and prohibiting unfunded State mandates, changing the title, upon concurrence, to read **H.B. 3** (Senate Committee Substitute), a bill to protect the taxpayers of North Carolina by limiting increases in the General Fund budget, prohibiting unfunded State mandates, and establishing other taxpayer rights, with a message from the House of Representatives received Tuesday, July 25, requesting conferees.

Senator Hoyle offers a motion the Senate do appoint conferees, which motion prevails without objection.

The President *Pro Tempore* takes the appointment of conferees under advisement.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence which are read and disposed of, as follows:

S.B. 459, a bill to amend the bail bond forfeiture procedure provided by Article 26 of Chapter 15A of the General Statutes, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 459** (House Committee Substitute), a bill to provide that certain bail bonds shall be treated as a cash deposit and to amend the bail bond forfeiture procedure provided by Article 26 of Chapter 15A of the General Statutes, which is placed on the Calendar for tomorrow, Thursday, July 27.

S.B. 693 (House Committee Substitute), a bill to make technical amendments to improve the administration of the property tax on motor vehicles, for concurrence in the House Committee Substitute bill.

The Chair rules the House Committee Substitute bill requires a call of the roll.

The Chair orders the House Committee Substitute bill placed on the Calendar for tomorrow, Thursday, July 27, for concurrence upon second reading.

S.B. 908, a bill relating to the power of water and sewer authorities created pursuant to Article 1 of Chapter 162A of the General Statutes to require connections to water systems, sewer systems, or combined water and sewer systems owned, leased, or operated, by the authorities and to the power of cities and counties to require connections to water and sewer systems, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 908** (House Committee Substitute), a bill relating to the power of water and sewer authorities and cities and counties to require connections to water and sewer systems, the number of members of certain metropolitan sewerage districts, and the powers of the Stanly Airport Authority, which is placed on the Calendar for tomorrow, Thursday, July 27.

S.B. 973 (House Committee Substitute), a bill to create the North Carolina workers' compensation loss costs rating law, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, July 27.

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 457 (Committee Substitute), a bill to recognize American Sign Language as a language of deaf people in North Carolina.

The House Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral pursuant to Rule 43.

A special message is received from the House of Representatives transmitting a bill for concurrence which is read and disposed of, as follows:

S.B. 874, a bill to make clarifying, conforming, and technical changes to various laws relating to environment, health, and Natural resources and related laws, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 874** (House Committee Substitute), a bill to confirm the water rights of the State in the Roanoke River Basin and to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources, which is placed on the Calendar for tomorrow, July 27.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits its report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 542, Section 10(j), 1993 Session Laws, the North Carolina Department of Environment, Health and Natural Resources submits its report on Clean Water Bond Loan Program.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 3 (Committee Substitute), a bill to provide governmental accountability and protection to the taxpayers by limiting increases in the General Fund budget, reforming the budget process, establishing an Emergency Reserve Trust Fund, and prohibiting unfunded State mandates, changing the title, upon concurrence, to read **H.B. 3** (Senate Committee Substitute), a bill to protect the taxpayers of North Carolina by limiting increases in the General Fund budget, prohibiting unfunded State mandates, and establishing other taxpayer rights, with the appointment of conferees under advisement of the President *Pro Tempore*.

The President *Pro Tempore* appoints Senators Hoyle, Chairman, and Senators Kerr, Little, Gulley, Conder and Davis, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 913 (Senate Committee Substitute), a bill to provide for prelitigation mediation of farm disputes regarding nuisance claim, upon third reading.

With unanimous consent, on motion of Senator Kerr, consideration of the Senate Committee Substitute bill is postponed until Thursday, July 27.

H.B. 1001 (Committee Substitute), a bill to exempt from property tax noncommercial motor vehicles that are thirty years old or older and are maintained for use in exhibitions, club activities, parades, and other public interest functions, changing the title, upon concurrence, to read **H.B. 1001** (Senate Committee Substitute), a bill to provide that antique automobiles shall be valued at no more than five hundred dollars for property tax purposes and to eliminate double taxation of a motor vehicle when the owner moves away and then returns to the State within one year, as amended, upon second reading.

The Senate Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 27, for further consideration upon third reading.

S.B. 1049 (Committee Substitute), a bill to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and to limit credits for investments in certain investment businesses, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1049** (House Committee Substitute), a bill to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and to authorize the Legislative Research Commission to study the qualified business tax credit, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Sawyer, Sherron, Simpson, Smith, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Judiciary II/Election Laws Committee**:

H.B. 835, a bill to amend the General Statutes relating to civil actions brought to recover from third parties State funds expended on medical care, with a favorable report.

H.B. 545 (Senate Committee Substitute), a bill to broaden the law providing for the establishment of cartways, with an unfavorable report as to Senate Committee Substitute bill No. 1 as written by the **Judiciary II/Election Laws Committee**, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Gulley, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, 2191, is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Gulley, the Committee Substitute bill No. 2 is placed on the Calendar for Thursday, July 27, for further consideration.

CALENDAR (Continued)

S.B. 140 (Committee Substitute), a bill to clarify the purpose for a moment of silence in the public schools and to prohibit local boards of education from

adopting policies that deny certain First Amendment rights, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (48–0) and the Committee Substitute bill is ordered enrolled.

S.B. 691 (House Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the President *Pro Tempore* of the Senate, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (47–1) and the measure is ordered enrolled.

S.B. 742, a bill to authorize the Secretary of the Department of Human Resources to investigate the deaths of certain Thomas S. class members, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (47–0) and the bill is ordered enrolled.

S.B. 828 (House Committee Substitute No. 2), a bill to make appointments to various commissions upon the recommendation of the President of the Senate, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (48–0) and the measure is ordered enrolled.

S.B. 901, a bill to provide parity between the President *Pro Tempore* and the Speaker by having certain appointments made by or upon the recommendation of the President *Pro Tempore* of the Senate rather than the President of the Senate, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (48–0) and the bill is ordered enrolled.

On motion of Senator Basnight, seconded by Senator Webster, the Senate adjourns at 3:35 P.M. to meet tomorrow, Thursday, July 27, at 4:00 P.M.

ONE HUNDRED SEVENTH DAY

SENATE CHAMBER,
Thursday, July 27, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Loving Father, desperation is a place in which we do not like to find ourselves. Holy desperation, however, can be the door through which we receive Your Greatest Blessings, O God.

"Those who proved You Best in the Scriptures were at the end of everything. May those in the Senate still charged with a great deal of responsibility toward

concluding this Session ever look for that open door of blessing and opportunity. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Plexico, "representing North Carolina at the Governor's and President *Pro Tempore*'s request at the Southern Regional Educational Board"; to Senator Smith, "attending the Southern Regional Education Board Legislative Work Conference"; and to Senator Sawyer "for consultation with doctor."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, July 26, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor, in absentia, to Dr. William Hedrick of Raleigh, who is serving the Senate as Doctor of the Day.

Pursuant to the motion prevailing on Tuesday, July 18, all measures ordered sent to the House of Representatives through adjournment of the First Regular Session are sent by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 897 (Senate Committee Substitute), an act to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives; and to increase the number of General Assembly appointees to the Western North Carolina Regional Economic Development Commission. (Ch. 488)

H.B. 550 (Senate Committee Substitute), an act removing a certain tract of property from the corporate limits of the Town of Ramseur and to limit annexation and extraterritorial zoning in the Town of North Topsail Beach. (Ch. 489)

S.B. 901, an act to provide parity between the President *Pro Tempore* and the Speaker by having certain appointments made by or upon the recommendation of the President *Pro Tempore* of the Senate rather than the President of the Senate. (Ch. 490)

S.B. 1049 (House Committee Substitute), an act to clarify the qualified business tax credit to eliminate an unintended loophole that allows double credits for the same investment and to authorize the Legislative Research Commission to study the qualified business tax credit. (Ch. 491)

S.B. 691 (House Committee Substitute), an act to appoint persons to various public offices upon the recommendation of the President *Pro Tempore* of the Senate. (Ch. 492)

S.B. 828 (House Committee Substitute No. 2), an act to make appointments to various commissions upon the recommendation of the President of the Senate. (Ch. 493)

H.B. 72, an act to criminalize indecent liberties between children. (Ch. 494)

H.B. 396 (Committee Substitute), an act to modify the State ports tax credit by expanding it to include imports, by extending the sunset on the credit, and by limiting the credit for bulk exports. (Ch. 495)

H.B. 458 (Senate Committee Substitute), an act to impose conditions for the restoration of a drivers license after a conviction for certain alcohol–related driving offenses and to promote compliance with these conditions. (Ch. 496)

S.B. 140 (Committee Substitute), an act to clarify the purpose for a moment of silence in the public schools and to prohibit local boards of education from adopting policies that deny certain First Amendment rights. (Ch. 497)

S.B. 742, an act to authorize the Secretary of the Department of Human Resources to investigate the deaths of certain Thomas S. class members. (Ch. 498)

H.B. 555 (Senate Committee Substitute), an act to create a North Carolina Boxing Commission. (Ch. 499)

CONFERENCE REPORT

H.B. 353 (Senate Committee Substitute No. 2)

Senator Odom, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 353** (Senate Committee Substitute No. 2), a bill to implement the recommendations of the Governor's Task Force on Driving While Impaired, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 353, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED, Senate Judiciary I/ Constitution Committee Substitute No. 2 Adopted 6/29/95, submit the following report:

The Senate and House agree to the following amendments to the Senate Committee Substitute, Senate Judiciary I/Constitution Committee Substitute No. 2 Adopted 6/29/95, and the House concurs in the Senate Committee Substitute as amended:

on page 6, lines 5 and 6,
by rewriting the lines to read:
"of this section shall be punished as a Class 3 misdemeanor for the first offense and shall";

and on page 6, line 38 through page 7, line 17, by deleting the lines and renumbering the remaining sections accordingly.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 26, 1995.

S/Fountain Odom	S/Joe Hackney
S/Roy A. Cooper III	S/C.B. Neely
S/Patrick J. Ballantine	S/Joanne W. Bowie
S/James Forrester	S/Joe L. Kiser
S/Anthony E. Rand	S/William Culpepper III
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Odom, the Conference Report is adopted (46–1), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

With unanimous consent, on motion of Senator Odom, his remarks on **H.B. 353** are spread upon the Journal, as follows:

By Senator Odom:

"Members of the Senate, now that we've adopted that, and I'm confident the House will, I just wanted to express appreciation, not only to the members of this Body—some of us had some differences with reference to some of the finer details, but the members of the Governor's Task Force did a yeoman service for the people of this State. And on the record, I'd like to thank them, and I'd also like to say to the Lieutenant Governor who chaired that study, I know that he has had this personal interest in this type of legislation for a long time, and Lieutenant Governor Wicker, I personally want to publicly express your leadership because it's been a long, long road that we've traveled, and I think the people of North Carolina are indebted to you, your leadership, in that regard, as well as Governor Hunt, who put the Task Force together. Thank you."

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

S.B. 351 (Committee Substitute), a bill to provide for special registration plates for Festival 600, with an unfavorable report as to Committee Substitute bill No. 1 as written by the **Transportation Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Sherron, the rules are suspended, and the proposed Committee Substitute bill No. 2, 7720, which changes the title to read **S.B. 351**

(Committee Substitute No. 2), a bill to provide for special registration plates for War Veterans, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Committee Substitute bill No. 2 is adopted, and on his further motion is placed at the end of today's Calendar for further consideration upon its passage.

H.B. 114, a bill to provide that the merger of the Alamance County Schools and the Burlington City Schools may become effective only if approved by the voters of Alamance County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill 6186, which changes the title, upon concurrence, to read **H.B. 114** (Senate Committee Substitute), a bill to allow the Board of Commissioners of Alamance County to amend the plan of merger of the Alamance County Schools and the Burlington City Schools, relating to the funding of the system after the merger and to exempt Richmond County from certain restrictions relating to the sale of hospital facilities to nonprofit corporations, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Senate Committee Substitute bill is adopted, and on his further motion is placed at the end of today's Calendar for further consideration upon its passage.

H.B. 300, a bill authorizing limited purchasing of goods and services from non-certified sources, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill 9164, which changes the title, upon concurrence, to read **H.B. 300** (Senate Committee Substitute), a bill to revise the provisions governing State requirements contracts for furniture, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Senate Committee Substitute bill is adopted, and on his further motion is placed at the end of today's Calendar for further consideration upon its passage.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Little.

CALENDAR

H.B. 1001 (Senate Committee Substitute), a bill to provide that antique automobiles shall be valued at no more than five hundred dollars for property tax purposes, as amended, changing the title, upon concurrence, to read **H.B. 1001** (Senate Committee Substitute), a bill to provide that antique automobiles shall be valued at no more than five hundred dollars for property tax purposes and to eliminate double taxation of a motor vehicle when the owner moves away and then returns to the State within one year, on today's Calendar, upon third reading.

With unanimous consent, on motion of Senator Conder, the Senate Committee Substitute bill, as amended, is taken up out of its regular order of business, and on his further motion, is placed as the last order of business on today's Calendar.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence, which are read and disposed of, as follows:

S.B. 528 (Committee Substitute), a bill to establish the mediated settlement conferences in civil actions in superior court, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 528** (House Committee Substitute No. 2), a bill to establish the mediated settlement conferences in civil actions in superior court and in prelitigation farm nuisance disputes.

On motion of Senator Soles, the rules are suspended, without objection, and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill No. 2 (43–1) and the measure is ordered enrolled.

CALENDAR

H.B. 913 (Senate Committee Substitute), a bill to provide for prelitigation mediation of farm disputes regarding nuisance claims, on today's Calendar upon third reading.

On motion of Senator Kerr, the Senate Committee Substitute bill is recommitted to the **Finance Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES
(Continued)

S.B. 590 (Committee Substitute), a bill to make technical corrections and conforming changes to the General Statutes and Session Laws as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 590** (House Committee Substitute No. 2), a bill to make technical corrections and conforming changes to the General Statutes and Session Laws as recommended by the General Statutes Commission and to make other corrections and technical and conforming changes to the General Statutes and Session Laws, which is placed on the Calendar for Friday, July 28.

S.B. 927 (Committee Substitute), a bill to provide that no permit is required for small landfills for the disposal of demolition debris, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 927** (House Committee Substitute No. 2), a bill to provide that small landfills for the disposal of demolition debris are exempt from the permitting requirements generally applicable to landfills and to authorize the Department of Environment, Health, and Natural Resources to grant a variance in the geographic area served by a sanitary landfill under certain circumstances.

On motion of Senator Simpson, the rules are suspended, without objection, and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration upon concurrence.

The Chair rules the House Committee Substitute bill No. 2 does not require a call of the roll.

The Senate concurs in the House Committee Substitute bill No. 2 (46–0) and the measure is ordered enrolled.

RESOLUTION FROM ANOTHER STATE

The following resolution received from another Legislative Body is presented to the Senate and is ordered filed in the Office of the Principal Clerk with the papers of the Senate:

Nevada Senate Joint Resolution No. 2, Urging Congress to propose and submit to the several states an amendment to the Constitution of the United States providing that the federal courts do not have the power to levy or increase taxes. *(see Appendix)*

The Chair extends courtesies of the gallery to Mrs. Dwight Wilson Quinn, wife of the former Representative from Cabarrus County, and to his sister, Mrs. Wayne Reece.

CONFERENCE REPORT

S.B. 200 (House Committee Substitute)

Senator Albertson for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 200** (Committee Substitute), a bill to provide for civil penalties for violations of the Gasoline and Oil Inspection Law, the meat inspection law, and the animal welfare and animal health laws, which House Committee Substitute bill proposes to change the title, upon concurrence, to read **S.B. 200** (House Committee Substitute), a bill to amend Article 2 of Chapter 119 of the General Statutes regarding the regulation of rerefined or reprocessed oil, submits the following report for adoption, which proposes to further change the title, upon adoption, to read **S.B. 200** (House Committee Substitute), a bill to amend Article 2A of Chapter 119 of the General Statutes regarding the regulation of rerefined or reprocessed oil, and to provide for civil penalties for violations of the Gasoline and Oil Inspection law, the meat inspection law, and the animal welfare and animal health laws:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 200, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 2 OF CHAPTER 119 OF THE GENERAL STATUTES REGARDING THE REGULATION OF REREFINED OR REPROCESSED OIL, Third Edition, House Committee Substitute Favorable 6/27/95, submit the following report:

The conferees recommend that the Senate and the House of Representatives adopt this report.

The House and Senate agree to the following amendments to the House Committee Substitute Favorable 6/27/95, and the Senate concurs in the House Committee Substitute as amended:

On page 1, line 2, by deleting "ARTICLE 2" and substituting "ARTICLE 2A"; and

On page 1, line 4 by rewriting that line to read:
"REPROCESSED OIL, AND TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE GASOLINE AND OIL INSPECTION LAW, THE MEAT INSPECTION LAW, AND THE ANIMAL WELFARE AND ANIMAL HEALTH LAWS."; and

On page 1, after line 5 and before line 6, by inserting the following: **"PART I. REGULATION OF REREFINED OR REPROCESSED OIL LAWS"**; and

On page 2, line 38 by deleting the present section 4 and substituting the following:

"PART II. GASOLINE AND OIL INSPECTION ACT.

Sec. 4. Article 3 of Chapter 119 of the General Statutes is amended by adding the following new section:

"§ 119-39.1. Civil Penalties.

The Commissioner of Agriculture may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

PART III. MEAT INSPECTION LAWS.

Sec. 5. G.S. 106-549.35 is amended by adding the following new subsection:

"(c) The Commissioner may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this Article or Article 49B, or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

PART IV. ANIMAL WELFARE ACT.

Sec. 6. Article 3 of Chapter 19A of the General Statutes, Animal Welfare Act, is amended by adding the following new section:

"§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation."

PART V. ANIMAL HEALTH LAWS.

Sec. 7. Article 14A of Chapter 106 of the General Statutes, Licensing and Regulation of Rendering Plants and Rendering Operations, is amended by adding the following new section:

"§ 106-168.16. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 8. Article 34 of Chapter 106 of the General Statutes, Animal Diseases, is amended by adding the following:

"Part 12. Penalties.

"§ 106-405.20. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 9. Article 35 of Chapter 106 of the General Statutes, Public Livestock Markets, is amended by adding the following new section:

"§ 106-417.1. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 10. Article 35A of Chapter 106 of the General Statutes, Livestock Prompt Pay Law, is amended by adding the following new section:

"§ 106-418.7A. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 11. Article 35B of Chapter 106 of the General Statutes, Livestock Dealer Licensing Act, is amended by adding the following new section:

"§ 106-418.16. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 12. Article 49 of Chapter 106 of the General Statutes, Poultry, Hatcheries and Chick Dealers, is amended by adding the following new section:

"§ 106-549.1. Civil Penalties.

The Department of Agriculture may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Department shall consider the degree and extent of harm caused by the violation."

Sec. 13. Article 49E of Chapter 106 of the General Statutes, Disposal of Dead Diseased Poultry, is amended by adding the following new section:

"§ 106-549.72. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 14. Article 49F of Chapter 106 of the General Statutes, Biological Residues, is amended by adding the following new section:

"§ 106-549.89. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 15. Article 58 of Chapter 106 of the General Statutes, Biologics Laws, is amended by adding the following new section:

"§ 106-715. Civil Penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation."

Sec. 16. The organizational headings to the parts of this act, set forth in bolded uppercase, are a convenience to the reader and are for reference only. The headings to not expand, limit, or define the text of this act.

Sec. 17. This act becomes effective October 1, 1995, and shall apply to violations occurring on or after that date."

Date conferees approved report: July 27, 1995.

S/Charles W. Albertson	S/Richard T. Morgan
S/John G. Blackmon	S/John W. Brown
S/John H. Carrington	S/Jerry C. Dockham
S/Fred M. Hobbs	S/Lyons Gray
Conferees for the Senate	*Conferees for the House of Representatives*

The Conference Report is held not to be a material amendment, and the Chair rules the Conference Report does not require a call of the roll.

With unanimous consent, on motion of Senator Albertson, the Conference Report is placed on the Calendar for tomorrow, Friday, July 28, for adoption.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 738 (Committee Substitute), a bill to authorize the issuance of twenty-three million nine hundred thousand dollars of Community College bonds or notes and to appropriate the proceeds of these bonds and notes for specific community college capital projects, as amended, changing the title, upon concurrence, to read **H.B. 738** (Committee Substitute), a bill to authorize the issuance of twenty-three million nine hundred thousand dollars of Community College Bonds or notes, and to appropriate the proceeds of these Bonds and notes for specific community college capital projects, and to provide for reallocation of the proceeds of Community College Bonds or notes if matching requirements are not met, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 2, as follows:

Senator Blackmon announces a pair:
Senator Little "aye"; Senator Blackmon "no."

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Lucas, Martin of Pitt, Martin of Guilford, McDaniel,

McKoy, Odom, Page, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—42.

Voting in the negative: Senators Jordan and Parnell—2.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 389 (Senate Committee Substitute), a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for grants to counties for public school building capital projects, in order to promote equity in local school facilities across the State and to enable local governments to give local property tax relief, upon second reading.

Senator Conder offers Amendment No. 1 which is adopted (43–1).

Senator Shaw offers Amendment No. 2, proposing to change the title, upon concurrence, to read, **H.B. 389** (Senate Committee Substitute), a bill to earmark one cent of the State sales tax each year for seven years for distribution to counties for construction of public school classroom buildings and public school libraries, which is held to be material.

Senator Sherron rises to a point of order under Rule 42.1 as to a fiscal note attached to Amendment No. 2.

With unanimous consent, Senator Shaw withdraws Amendment No. 2.

Senator Simpson offers Amendment No. 3.

Senator Sherron rises to a point of order under Rule 42.1 as to a fiscal note attached to Amendment No. 3.

With unanimous consent, Senator Simpson withdraws Amendment No. 3.

Senator McDaniel offers Amendment No. 4, with a fiscal note attached, proposing to change the title, upon concurrence, to read **H.B. 389** (Senate Committee Substitute), a bill to free up money for local public school construction by relieving counties of ninety percent (90%) of the county share of the Medicaid program, appropriating funds to the Department of Human Resources to cover that expenditure, and stating the intent of the General Assembly continue this in future fiscal years.

Following debate, Senator McDaniel calls the previous question on Amendment No. 4, seconded by Senator Ballantine. The call is sustained. Amendment No. 4, offered by Senator McDaniel, fails of adoption (21–25).

Senator Foxx offers Amendment No. 5, with a fiscal note attached, proposing to change the title, upon concurrence, to read **H.B. 389** (Senate Committee Substitute), a bill to appropriate overrealized General Fund revenues to create a Public School Classroom Construction Revolving Loan Fund.

Senator Sherron calls the previous question, seconded by Senator Conder. The call is sustained (25–20). Amendment No. 5, offered by Senator Foxx, fails of adoption (20–25).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 36, noes 8, as follows:

Senator Horton announces a pair: Senator Little "aye"; Senator Horton "no."

Senator Blackmon announces a pair: Senator Plexico "aye"; Senator Blackmon "no."

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, Edwards,

Forrester, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Ledbetter, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Soles, Speed, Warren, and Winner—36.

Voting in the negative: Senators Ballance, Clark, East, Foxx, Kincaid, McDaniel, Simpson, and Webster—8.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 28, for further consideration upon third reading.

H.B. 941 (Committee Substitute), a bill to conform the provisions of the Public Utilities Chapter of the General Statutes to the federal preemption of State regulation of intrastate transportation of property except household goods and to the federal preemption of State regulation of wireless telecommunications carriers, and to increase the application fee, upon second reading.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The Chair orders, without objection, the Committee Substitute bill, as amended, temporarily displaced, for the purpose of ratification of a bill.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 528 (House Committee Substitute No. 2), an act bill to establish the mediated settlement conferences in civil actions in superior court and in pre-litigation farm nuisance disputes. (Ch. 500)

CALENDAR (Continued)

H.B. 941 (Committee Substitute), a bill to conform the provisions of the Public Utilities Chapter of the General Statutes to the federal preemption of State regulation of intrastate transportation of property except household goods and to the federal preemption of State regulation of wireless telecommunications carriers, and to increase the application fee, as amended, upon second reading, temporarily displaced earlier.

The Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—42.

Voting in the negative: Senators Davis, East, and McDaniel—3.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 28, for further consideration upon third reading.

H.B. 545 (Senate Committee Substitute No. 2), a bill to broaden the law providing for the establishment of cartways.

Senator Ballance offers Amendment No. 1 which is adopted (39–1).

Senator Simpson offers Amendment No. 2 which is adopted (46–0).

Senator Simpson offers Amendment No. 3 which is adopted (35–10).

Senator Kincaid offers Amendment No. 4. Following debate, Senator Ballance calls the previous question, seconded by Senator Conder. The call is sustained. Amendment No. 4, offered by Senator Kincaid, fails of adoption (21–24).

The Senate Committee Substitute bill No. 2, as amended, passes its second (38–7) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2 by special messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence, which are read and disposed of, as follows:

S.B. 52 (Committee Substitute), a bill to create the State–Owned Submerged Lands Advisory Committee and to require that the Advisory Committee make its final report to the General Assembly on or before May 1, 1995, for concurrence in the House Committee Substitute bill No. 5, which changes the title, upon concurrence, to read **S.B. 52** (House Committee Substitute No. 5), a bill to amend the provisions of Chapter 146 concerning State–owned submerged lands.

The Chair rules the House Committee Substitute bill No. 5 requires a call of the roll, and orders the measure placed on the Calendar for tomorrow, Friday, July 28, for concurrence upon second reading.

S.B. 974, a bill to require a person who performs the land application of agriculture waste to be certified as a water pollution control systems operator, for concurrence in the House Committee Substitute bill No. 4, which changes the title, upon concurrence, to read **S.B. 974** (House Committee Substitute No. 4), a bill to require a person who performs the land application of agricultural by–products from swine production to be certified.

On motion of Senator Rand, the rules are suspended, without objection, and the House Committee Substitute bill No. 4 is placed at the end of today's Calendar for consideration upon concurrence.

A special message is received from the House of Representatives transmitting a bill, which is read the first time and disposed of, as follows:

H.B. 706 (Committee Substitute), a bill authorizing various local governments to levy or increase a room occupancy tax subject to approval by the voters and modifying the method of appointment of members to the Haywood County Tourism Development Authority.

Referred to **Finance Committee**.

A special message is received from the House of Representatives transmitting a bill for concurrence, which is read and disposed of, as follows:

S.B. 345 (House Committee Substitute No. 5), a bill to make substantive changes to the insurance laws, for concurrence in the House Committee Substitute bill No. 5.

On motion of Senator Soles, the House Committee Substitute bill No. 5 is recommitted to the **Pensions and Retirement/Insurance/State Personnel Committee**.

CALENDAR (Continued)

H.B. 729 (Senate Committee Substitute), a bill to establish standards and procedures for the recovery of punitive damages in civil actions.

Senator Cooper offers Amendment No. 1 which is adopted (45–1).

Senator Kerr offers Amendment No. 2 which is adopted (44–2).

Following lengthy debate, the Senate Committee Substitute bill, as amended, passes its second (32–13) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

With unanimous consent, on motion of Senator Soles, the Senate recesses at 7:55 P.M. for the purpose of a meeting of the **Pensions and Retirement/Insurance/ State Personnel Committee**, to reconvene at 8:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor, who presides.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Soles for the **Pensions and Retirement/Insurance/State Personnel Committee:**

S.B. 992, a bill amending the definition of law enforcement officer for the purposes of eligibility for benefits under the North Carolina Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System of North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the proposed Committee Substitute bill 9663, which changes the title to read **S.B. 992** (Committee Substitute), a bill to provide that sworn and certified jailers and telecommunicators employed by the Mecklenburg County Sheriff's Department are eligible to receive the benefits afforded to law enforcement officers through the Local Governmental Employees' Retirement System, is placed before the Senate for immediate consideration.

The Chair rules the Committee Substitute bill changes the public bill to a local bill.

On motion of Senator Soles, the Committee Substitute bill is adopted.

On motion of Senator Odom, the rules are suspended, and the Committee Substitute bill is placed at the end of today's Calendar for consideration upon its passage.

CALENDAR (Continued)

H.B. 835, a bill to amend the General Statutes relating to civil actions brought to recover from third parties State funds expended on medical care.

The bill passes its second reading (43–0).

Senator Horton objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the bill placed on the Calendar for tomorrow, Friday, July 28, for further consideration upon third reading.

S.B. 693 (House Committee Substitute), a bill to make technical amendments to improve the administration of the property tax on motor vehicles, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—43.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 28, for further consideration upon concurrence, upon third reading.

S.B. 908, a bill relating to the power of water and sewer authorities created pursuant to Article 1 of Chapter 162A of the General Statutes to require connections to water systems, sewer systems, or combined water and sewer systems owned, leased, or operated, by the authorities and to the power of cities and counties to require connections to water and sewer systems, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 908** (House Committee Substitute), a bill relating to the power of water and sewer authorities and cities and counties to require connections to water and sewer systems, the number of members of certain metropolitan sewerage districts, and the powers of the Stanly Airport Authority, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—44.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 28, for further consideration upon concurrence, upon third reading.

S.B. 459, a bill to amend the bail bond forfeiture procedure provided by Article 26 of Chapter 15A of the General Statutes, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 459** (House Committee Substitute), a bill to provide that certain bail bonds shall be treated as a cash deposit and to amend the bail bond forfeiture procedure provided by Article 26 of Chapter 15A of the General Statutes.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled.

S.B. 874, a bill to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources and related laws, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 874** (House Committee Substitute), a bill to confirm the water rights of the State in the Roanoke River Basin and to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources.

The Senate concurs in the House Committee Substitute bill (43–0) and the measure is ordered enrolled.

S.B. 973 (House Committee Substitute), a bill to create the North Carolina workers' compensation loss costs rating law, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46–0) and the measure is ordered enrolled.

CONFERENCE REPORT

S.B. 24 (House Committee Substitute)

Senator Winner, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 24** (House Committee Substitute), a bill to refocus the school testing program on the basics, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 24, A BILL TO BE ENTITLED AN ACT TO REFOCUS THE SCHOOL TESTING PROGRAM ON THE BASICS, House Committee Substitute Favorable 5/29/95, submit the following report:

The Senate and House agree to the following amendments to House Committee Substitute Favorable 5/29/95, and the Senate concurs in the House Committee Substitute as amended:

on page 3, lines 42–44, rewrite the lines to read:

"Sec. 6. The State Board of Education shall consider the recommendations of the North Carolina Education Standards and Accountability Commission in its report that is due by July 1, 1996, and, based on this consideration, the State Board shall review the tests being administered through State and local testing programs, determine the strengths and weaknesses of those programs, and report to the General Assembly by December 1, 1996, on";

and on page 4, line 9, insert at the end of the line the word "and";

and on page 4, lines 10–11, delete the lines;

and on page 4, line 12, delete "(4)" and substitute "(3)";

and on page 4, lines 20–22, delete the lines.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 27, 1995.

S/Leslie Winner	S/Steve Wood
S/Jeanne H. Lucas	S/Carolyn Russell
S/Dennis Davis	S/Jean Preston
	S/James W. Crawford, Jr.
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Winner, the Conference Report is ordered placed on the Calendar for tomorrow, Friday, July 28, for adoption.

CALENDAR (Continued)

S.B. 351 (Committee Substitute No. 2), a bill to provide for special registration plates for War Veterans, placed earlier today at the end of the Calendar.

The Chair rules, pursuant to Article II, Section 23 of the Constitution, the measure requires a call of the roll and places the Committee Substitute bill No. 2 on the Calendar for tomorrow, Friday, July 28, upon second reading.

H.B. 114, a bill to provide that the merger of the Alamance County Schools and the Burlington City Schools may become effective only if approved by the voters of Alamance County, changing the title, upon concurrence, to read **H.B. 114** (Senate Committee Substitute), a bill to allow the Board of Commissioners of Alamance County to amend the plan of merger of the Alamance County Schools and the Burlington City Schools, relating to the funding of the system after the merger and to exempt Richmond County from certain restrictions relating to the sale of hospital facilities to nonprofit corporations, placed earlier today at the end of the Calendar.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 300, a bill authorizing limited purchasing of goods and services from non-certified sources, changing the title, upon concurrence, to read **H.B. 300** (Senate Committee Substitute), a bill to revise the provisions governing State requirements contracts for furniture, placed earlier today at the end of the Calendar.

The Senate Committee Substitute bill passes its second (44–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 835, a bill to amend the General Statutes relating to civil actions brought to recover from third parties State funds expended on medical care, placed earlier today on the Calendar for Friday, July 28, upon third reading.

With unanimous consent, Senator Horton withdraws his objection to third reading, the Senate reconsiders and the bill is taken from the Calendar for July 28, and placed before the Senate for further consideration upon third reading.

The bill passes its third reading (46–0) and is ordered enrolled.

H.B. 114, a bill to provide that the merger of the Alamance County Schools and the Burlington City Schools may become effective only if approved by the voters of Alamance County, changing the title, upon concurrence, to read **H.B. 114** (Senate Committee Substitute), a bill to allow the Board of Commissioners of Alamance County to amend the plan of merger of the Alamance County Schools and the Burlington City Schools, relating to the funding of the system after the merger and to exempt Richmond County from certain restrictions relating to the sale of hospital facilities to nonprofit corporations, temporarily displaced earlier.

Senator Jordan offers Amendment No. 1 which proposes to change the title, upon concurrence, to read, **H.B. 114** (Senate Committee Substitute), a bill to allow the Board of Commissioners of Alamance County to amend the plan of merger of the Alamance County Schools and the Burlington City Schools, relating to the funding of the system after the merger, to exempt Richmond County from certain restrictions relating to the sale of hospital facilities to nonprofit corporations, and modifying the allocation of the proceeds of the New Hanover County occupancy tax, which is adopted (45–0).

On motion of Senator Jordan, the Chair orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced.

S.B. 974, a bill to require a person who performs the land application of agriculture waste to be certified as a water pollution control systems operator, for concurrence in the House Committee Substitute bill No. 4, which changes the title, upon concurrence, to read **S.B. 974** (House Committee Substitute No. 4), a bill to require a person who performs the land application of agricultural by–products from swine production to be certified, placed earlier today at the end of the Calendar.

The Senate fails to concur in the House Committee Substitute bill No. 4 (3–40).

Senator Albertson offers a motion to the end the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senator Albertson, Chairman, and Senators Kerr, Soles, Speed and Blackmon as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 637 (Senate Committee Substitute No. 2), a bill to amend the law regarding products liability, with the House of Representatives failing to concur and requesting conferees on July 25.

Senator Cooper offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senator Cooper, Chairman, and Senators Ballantine and Winner as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 992 (Committee Substitute), a bill to provide that sworn and certified jailers and telecommunicators employed by the Mecklenburg County Sheriff's Department

are eligible to receive the benefits afforded to law enforcement officers through the Local Governmental Employees' Retirement System, placed earlier today at the end of the Calendar for consideration upon its passage.

The Committee Substitute bill passes its second (42–2) and third readings and is ordered sent to the House of Representatives by special messenger.

H.B. 114, a bill to provide that the merger of the Alamance County Schools and the Burlington City Schools may become effective only if approved by the voters of Alamance County, changing the title, upon concurrence, to read **H.B. 114** (Senate Committee Substitute), a bill to allow the Board of Commissioners of Alamance County to amend the plan of merger of the Alamance County Schools and the Burlington City Schools, relating to the funding of the system after the merger, to exempt Richmond County from certain restrictions relating to the sale of hospital facilities to nonprofit corporations, and modifying the allocation of the proceeds of the New Hanover County occupancy tax, as amended and temporarily displaced earlier.

Senator Shaw offers Amendment No. 2 to the bill as amended by Amendment No. 1 which is adopted (43–0), changing the title, upon concurrence, to read **H.B. 114** (Senate Committee Substitute), a bill to allow the Board of Commissioners of Alamance County to amend the plan of merger of the Alamance County Schools and the Burlington City Schools, relating to the funding of the system after the merger, to modify the appointment of officers of certain local tourism development boards, to exempt Richmond County from certain restrictions relating to the sale of hospital facilities to nonprofit corporations, and modifying the allocations of the proceeds of the New Hanover County occupancy tax.

The Senate Committee Substitute bill, as amended, passes its second (43–0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 1001 (Committee Substitute), a bill to exempt from property tax noncommercial motor vehicles that are thirty years old or older and are maintained for use in exhibitions, club activities, parades, and other public interest functions, changing the title, upon concurrence, to read **H.B. 1001** (Senate Committee Substitute), a bill to provide that antique automobiles shall be valued at no more than five hundred dollars for property tax purposes and to eliminate double taxation of a motor vehicle when the owner moves away and then returns to the State within one year, as amended, upon third reading, placed as the last order of business on today's Calendar.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, East, Edwards, Forrester, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Soles, Speed, Warren, Webster, and Winner—43.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill, which is read the first time and disposed of, as follows:

H.B. 306 (Committee Substitute No. 2), a bill to extend expiring provisions again.

On motion of Senator Plyler, the rules are suspended, without objection, and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

The Committee Substitute bill No. 2 passes its second reading (43–1).

Senator Plyler objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill No. 2 placed on the Calendar for tomorrow, Friday, July 28, for further consideration upon third reading.

A special message is received from the House of Representatives transmitting a joint resolution for concurrence, which is read and disposed of, as follows:

S.J.R. 1102, a joint resolution honoring the memory of Amy Jean Jackson and commending the heroism of Robert G. Jackson, Jr., for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Friday, July 28.

An additional special message is received from the House of Representatives:

H.B. 353
(Senate Committee Substitute)

House of Representatives
July 27, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute # 2 for **HB 353**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DRIVING WHILE IMPAIRED. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

On motion of Senator Basnight, seconded by Senator Kerr, the Senate adjourns at 8:57 P.M. to meet tomorrow, Friday, July 28, at 2:00 P.M.

ONE HUNDRED EIGHTH DAY

SENATE CHAMBER,
Friday, July 28, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, adapted from a prayer by Vance Havner, as follows:

"Ever Faithful God, it is almost always on the back side of the desert that we come to the Mountain of God, on the back side of the desert of self, at the end of our own dreams, ambitions, and plans.

"When Moses first undertook to deliver Israel, it is said he looked this way and that, but when he came down from Mt. Horeb, already having endured the desert and now seeing The Promised Land, he looked only one way, toward Your Face.

"Those of us who have ever come to the back side of the desert thank You, O Lord, for being with us every step of the way. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Plexico, "representing North Carolina at the Governor's and President *Pro Tempore*'s request at the Southern Regional Educational Board"; to Senator Smith, "attending the Southern Regional Education Board Legislative Work Conference"; and to Senator Forrester "to cover medical practice."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Thursday, July 27, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Charles Wilson of Greenville, who is serving the Senate as Doctor of the Day.

Pursuant to the motion prevailing on Tuesday, July 18, all measures ordered sent to the House of Representatives through adjournment of the First Regular Session are sent by special messenger.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 389 (Senate Committee Substitute), a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for grants to counties for public school building capital projects, in order to promote equity in local school facilities across the State and to enable local governments to give local property tax relief, as amended, upon third reading.

The Chair orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced.

CONFERENCE REPORT

S.B. 559 (Committee Substitute)

Senator Odom for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 559** (Committee Substitute), a bill to provide that acceptance of rent by a housing authority is not a waiver of default and to authorize housing authorities to govern entry upon housing authority property by guests and visitors, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 559, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ACCEPTANCE OF RENT BY A HOUSING AUTHORITY IS NOT A WAIVER OF DEFAULT AND TO AUTHORIZE HOUSING AUTHORITIES TO GOVERN ENTRY UPON HOUSING AUTHORITY PROPERTY BY GUESTS AND VISITORS, Third Edition Engrossed 5/11/95, as amended by House Amendment #'s 1, 2 and 3, submit the following report:

The Senate concurs in House Amendment #2, the House recedes from House Amendment #1 and House Amendment #3, and the Senate and House agree to the following amendments:

on page 1, lines 10 and 11, by rewriting the lines to read:
"constitute a waiver of that default or failure unless (i) the authority expressly agrees to such waiver in writing, or (ii) within 120 days after obtaining knowledge of the default or failure, the authority fails either to notify the tenant that a violation of the rental agreement has occurred or to exercise one of the authority's remedies for such violation.";

and on page 4, lines 17, 19 and 21,
by deleting "July 1, 1995", and substituting "August 1, 1995".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July , 1995.

S/Fountain Odom	S/N. Leo Daughtry
S/John G. Blackmon	S/Daniel T. Blue, Jr.
S/Roy A. Cooper III	S/Arlene C. Pulley
S/John H. Carrington	George S. Robinson
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Odom, the Conference Report is adopted (45–1) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 941 (Committee Substitute), a bill to conform the provisions of the Public Utilities Chapter of the General Statutes to the federal preemption of State regulation of intrastate transportation of property except household goods and to the federal preemption of State regulation of wireless telecommunications carriers, and to increase the application fee, as amended, upon third reading.

The Chair orders, without objection, the Committee Substitute bill, as amended, temporarily displaced.

S.B. 351 (Committee Substitute No. 2), a bill to provide for special registration plates for War Veterans, upon second reading.

With unanimous consent, the Chair orders the Committee Substitute bill No. 2 temporarily displaced.

H.B. 306 (Committee Substitute No. 2), a bill to extend expiring provisions again, upon third reading.

The Committee Substitute bill No. 2 passes its third reading (47–0) and is ordered enrolled.

RECALL

H.B. 1001 (Committee Substitute), a bill to exempt from property tax noncommercial motor vehicles that are thirty years old or older and are maintained for use in exhibitions, club activities, parades, and other public interest functions, changing the title, upon concurrence, to read **H.B. 1001** (Senate Committee Substitute), a bill to provide that antique automobiles shall be valued at no more than five hundred dollars for property tax purposes and to eliminate double taxation of a motor vehicle when the owner moves away and then returns to the State within one year, ordered engrossed and returned to the House of Representatives for concurrence in the Senate Committee Substitute bill on July 27.

Senator Conder offers a motion the bill be recalled from the House of Representatives for further consideration by the Senate, which motion prevails, with unanimous consent.

The Chair orders a message sent to the House of Representatives respectfully requesting the return of the Senate Committee Substitute bill to the Senate for further consideration.

CALENDAR (Continued)

S.B. 693 (House Committee Substitute), a bill to make technical amendments to improve the administration of the property tax on motor vehicles, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—47.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

RECOGNITION

With unanimous consent, on motion of Senator Plyler, the rules are suspended to the end he, Senator Odom, Senator Perdue, and Linda Powell of the General Assembly Fiscal Staff may approach the Well of the Senate.

Senator Plyler requests the President to read the following Certificate of Accomplishment and Appreciation in its entirety:

NORTH CAROLINA STATE SENATE
CERTIFICATE OF
ACCOMPLISHMENT AND APPRECIATION

Whereas, Linda Powell has worked for the State of North Carolina for more than 27 years,
rendering valuable fiscal analysis and providing budgetary information to the General Assembly for most of those years; and
Whereas, on November 15, 1994, Linda Powell was presented with the John Bragg Award for Excellence in Legislative Service in Appreciation for Outstanding Service to North Carolina and to the Southern Legislative Conference; and
Whereas, Linda Powell received this award at the fall meeting of the Fiscal Affairs and Government Operations Committee at the Greenbrier in White Sulphur Springs, West Virginia; and
Whereas, Linda Powell deserves special recognition for her dedication and service to the
State of North Carolina;
Now, therefore, this Twenty–Eight Day of July, Nineteen Hundred Ninety–five
Senator Aaron Plyler
Extends Sincere Congratulations to
Linda Powell
for Outstanding and Dedicated Service

With unanimous consent, on motion of Senator Basnight, the remarks of Linda Powell and the remarks honoring Linda Powell are spread upon the Journal, as follows:

By Senator Plyler:

"Thank you, Mr. President and members of the Senate, along with Linda's family. It is certainly a pleasure to present to Linda this Proclamation of Dedication for all of the hard work that Linda has done for this General Assembly, and especially the Senate, over the many, many years. Linda is an invaluable person to this Senate. I don't know how we could do without her. She'd better not take this Proclamation and retire because we would certainly be lost if she did. But, Linda, we appreciate you so much; you have been working with us so closely, Senator Perdue, Senator Odom, all the Subcommittee Chairs, your staff, and members of the North Carolina Senate, we extremely appreciate the good job that you have done and we are proud to present you with this Proclamation."

By Linda Powell:

"Well, as most of you know, I'm usually not speechless. I always have something to say, and this is just—beyond words, is how I feel right now; that I'm recognized in this way. I look at you all as my family. I enjoy doing what I'm doing. I have supported each and every one of you throughout, it will, in fact, be thirty years come October 1 that I have worked on the State budget. And I continue to take a deep interest in the needs of all the citizens of North Carolina. I appreciate you all recognizing me in this way. I will remember this day always, I want you to know that. And I want to thank my family, especially, because my husband hardly knows who I am when this budget session is going on and he has certainly supported you, too, by letting me just live down here. So this is just a wonderful recognition, I appreciate it so much. I was just thoroughly surprised when I got the award in White Sulphur Springs, West Virginia, that not only had I served the North Carolina Legislature, but I had also served The Southern Legislative Conference. The Legislature will always hold a special place in my heart. And I do thank you." (The Senate acknowledges Mrs. Powell with a standing ovation.)

Lieutenant Governor Wicker:

"On behalf of the North Carolina Senate and the Chair, we wish to congratulate you again, Mrs. Powell, and certainly at this time, upon motion of all the members of the Senate—the Chair will recognize Senator Basnight."

By Senator Basnight:

"Thank you, Mr. President. To speak on the resolution, if I may? Thank you. Members of the Senate, to Linda, as we all know her, and as we all realize, she's part of our family. She's a member of this North Carolina Senate, and for the years that we've all had together to work with her, we all realize that she writes the budget—not myself, not Senator Plyler, not Senator Royall, not Senators Odom or Perdue or Daniel, or many others who serve in this Body. We've all seen it done many times when you would turn from the podium to ask her a question or to find out how to answer one of the members. And all through the nights that she would work to prepare it, just as she did last night and the night before and the many weekends, these are things, unless you're directly involved with the budget, you don't realize the time that she has to give—she, as well as all the staff members. She writes the budget, she is "Mr. Budget," or maybe, better yet, better said than that, Senator Ballance, "Mrs. Budget." She's a person that this State owes a great deal of gratitude to. She's the one who makes North Carolina a little better place to live in. Thank you, Linda, for what you've done for, not just us, but the people of this wonderful State. And also, Mr. President, if I may, any remarks that are said pertaining to this special occasion, the recognition of Linda Powell, be spread upon the Journal."

By Lieutenant Governor Wicker:

"So ordered. Members of the Senate, upon motion of all the members of the Senate, the Chair is happy to extend the privileges of the gallery to Mrs. Powell's husband, Glenn. I believe one of the daughters may be here, I don't know which one she is, but Julie and Jenny, and their son, Ramie. They are seated directly in front of me. We certainly want to welcome you here, and we join you in expressing the pride that I know you have, and we have, in your mother and your wife. We also, on behalf of the Senate, wish to express our appreciation for sharing her with us as we go through the budget process in this State.

"And, also, members of the Senate, the Chair is happy to extend the privileges of the floor to the members of the General Assembly Fiscal Staff. I believe most of them are seated around the Chamber, and we certainly want to welcome you and thank you for sharing with us this occasion as we honor one of your own."

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 143, an act to repeal the restrictions on dealings with South Africa now that the policies of that Country have changed. (Ch. 501)

S.B. 927 (House Committee Substitute No. 2), an act to provide that small landfills for the disposal of demolition debris are exempt from the permitting requirements generally applicable to landfills and to authorize the Department of Environment, Health, and Natural Resources to grant a variance in the geographic area served by a sanitary landfill under certain circumstances. (Ch. 502)

S.B. 459 (House Committee Substitute), an act to provide that certain bail bonds shall be treated as a cash deposit and to amend the bail bond forfeiture procedure provided by Article 26 of Chapter 15A of the General Statutes. (Ch. 503)

S.B. 874 (House Committee Substitute), an act to confirm the water rights of the State in the Roanoke River Basin and to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources. (Ch. 504)

S.B. 973 (House Committee Substitute), an act to create the North Carolina workers' compensation loss costs rating law. (Ch. 505)

H.B. 353 (Senate Committee Substitute No. 2), an act to implement the recommendations of the Governor's Task Force on Driving While Impaired. (Ch. 506)

COMMITTEE REFERRAL RECALL

S.B. 345 (House Committee Substitute No. 5), a bill to make substantive changes to the insurance laws, referred to the **Pensions and Retirement/Insurance/ State Personnel Committee** on July 27.

Pursuant to Rule 47(b), Senator Soles offers a motion the House Committee Substitute bill No. 5 be recalled from the **Pensions and Retirement/Insurance/ State Personnel Committee** and placed before the Senate for concurrence, which motions prevail with unanimous consent.

The Chair orders the House Committee Substitute bill No. 5 recalled from the **Pensions and Retirement/Insurance/State Personnel Committee** and places it on the Calendar for concurrence.

CALENDAR (Continued)

S.B. 908, a bill relating to the power of water and sewer authorities created pursuant to Article 1 of Chapter 162A of the General Statutes to require

connections to water systems, sewer systems, or combined water and sewer systems owned, leased, or operated, by the authorities and to the power of cities and counties to require connections to water and sewer systems, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 908** (House Committee Substitute), a bill relating to the power of water and sewer authorities and cities and counties to require connections to water and sewer systems, the number of members of certain metropolitan sewerage districts, and the powers of the Stanly Airport Authority, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Perdue, Plyler, Rand, Sawyer, Shaw, Simpson, Soles, Speed, Warren, Webster, and Winner—42.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 52 (Committee Substitute), a bill to create the State-Owned Submerged Lands Advisory Committee and to require that the Advisory Committee make its final report to the General Assembly on or before May 1, 1995, for concurrence in the House Committee Substitute bill No. 5, which changes the title, upon concurrence, to read **S.B. 52** (House Committee Substitute No. 5), a bill to amend the provisions of Chapter 146 concerning State-owned submerged lands, upon second reading.

The Senate concurs in the House Committee Substitute bill No. 5 on its second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Edwards, Foxx, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Sawyer, Shaw, Simpson, Soles, Speed, Warren, Webster, and Winner—43.

Voting in the negative: Senator Gulley—1.

The House Committee Substitute bill No. 5 remains on the Calendar for further consideration upon third reading.

S.B. 590 (Committee Substitute), a bill to make technical corrections and conforming changes to the General Statutes and Session Laws as recommended by the General Statutes Commission, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 590** (House Committee Substitute No. 2), a bill to make technical corrections and conforming changes to the General Statutes and Session Laws as recommended by the General Statutes Commission and to make other corrections and technical and conforming changes to the General Statutes and Session Laws.

The Senate concurs in the House Committee Substitute bill No. 2 (45-0) and the measure is ordered enrolled.

S.J.R. 1102, a joint resolution honoring the memory of Amy Jean Jackson and commending the heroism of Robert G. Jackson, Jr, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (45–0) and the joint resolution is ordered enrolled.

S.B. 24 (House Committee Substitute), a bill to refocus the school testing program on the basics, Conference Report, for adoption, submitted Thursday, July 27.

On motion of Senator Lucas, the Senate adopts the Conference Report (45–0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 200 (Committee Substitute), a bill to provide for civil penalties for violations of the Gasoline and Oil Inspection Law, the meat inspection law, and the animal welfare and animal health laws, changing the title, upon concurrence, to read **S.B. 200** (House Committee Substitute), a bill to amend Article 2A of Chapter 119 of the General Statutes regarding the regulation of rerefined or reprocessed oil, and to provide for civil penalties for violations of the Gasoline and Oil Inspection law, the Meat Inspection law, and the Animal Welfare and Animal Health laws, Conference Report, for adoption, submitted Thursday, July 27, which proposes to further change the title, upon adoption, to read **S.B. 200** (House Committee Substitute), a bill to amend Article 2A of Chapter 119 of the General Statutes regarding the regulation of rerefined or reprocessed oil, and to provide for civil penalties for violations of the Gasoline and Oil Inspection law, the meat inspection law, and the animal welfare and animal health laws.

On motion of Senator Albertson, the Senate adopts the Conference Report (45–0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 389 (Senate Committee Substitute), a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for grants to counties for public school building capital projects, in order to promote equity in local school facilities across the State and to enable local governments to give local property tax relief, as amended, upon third reading, temporarily displaced earlier.

Senator Simpson offers Amendment No. 6. Senator Cooper rises to a point of order as to Amendment No. 6 a material amendment to the Senate Committee Substitute bill. The Chair rules Amendment No. 6 not material and fails to sustain the point of order. Following debate, Amendment No. 6 fails of adoption (22–24).

The Chair rules Senator Shaw may resubmit Amendment No. 2, submitted and withdrawn on July 27, which is held not to be material. Senator Shaw resubmits Amendment No. 2, proposing to change the title, upon concurrence, to read **H.B. 389** (Senate Committee Substitute), a bill to earmark one cent of the State sales tax each year for seven years for distribution to counties for construction of public school classroom buildings and public school libraries, which fails of adoption (22–25).

Following lengthy debate, Senator Winner calls the previous question, seconded by Senator Dannelly. The call is sustained.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 36, noes 10, as follows:

Senator Blackmon announces a pair: Senator Plexico "aye"; Senator Blackmon "no."

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, Davis, Edwards, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Soles, Speed, Warren, and Winner—36.

Voting in the negative: Senators Ballance, Clark, East, Foxx, Horton, Kincaid, McDaniel, Sawyer, Simpson, and Webster—10.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 941 (Committee Substitute), a bill to conform the provisions of the Public Utilities Chapter of the General Statutes to the federal preemption of State regulation of intrastate transportation of property except household goods and to the federal preemption of State regulation of wireless telecommunications carriers, and to increase the application fee, as amended, upon third reading, temporarily displaced earlier.

Senator Kerr offers Amendment No. 2, changing the title, upon concurrence, to read **H.B. 941** (Committee Substitute), a bill to conform the provisions of the Public Utilities Chapter of the General Statutes to the federal preemption of State regulation of intrastate transportation of property except household goods and to the federal preemption of State regulation of wireless telecommunications carriers, to increase the application fee and to modify the motor fuel tax refund procedures for undyed diesel fuel used in boats, which is adopted (43–2).

The Committee Substitute bill, as amended, passes its third reading by roll–call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hartsell, Hobbs, Horton, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Perdue, Plyler, Rand, Sawyer, Shaw, Sherron, Soles, Speed, Warren, Webster, and Winner—42.

Voting in the negative: Senators McDaniel, Page, and Simpson—3.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2 by special messenger.

CONFERENCE REPORT

S.B. 649 (House Committee Substitute)

Senator Albertson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 649** (House Committee Substitute), a bill concerning sweet potatoes, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 649, A BILL TO BE ENTITLED AN

ACT CONCERNING SWEET POTATOES, Third Edition, submit the following report:

The Senate concurs in the House Committee Substitute, House Committee Substitute Favorable 5/23/95.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 28, 1995.

S/Charles W. Albertson	S/John W. Brown
S/Dennis H. Davis	S/Gene Arnold
S/Horton	S/James C. Carpenter
S/Jeanne H. Lucas	S/Stanley H. Fox
S/R.C. Soles, Jr.	S/W. Frank Mitchell
S/James D. Speed	S/M. Jonathan Robinson
S/Edward N. Warren	S/Carolyn B. Russell
Conferees for the Senate	*Conferees for the House of Representatives*

The Chair rules the House Committee Substitute bill a non–material amendment.

On motion of Senator Albertson, the Conference Report is adopted (43–3), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 351 (Committee Substitute No. 2), a bill to provide for special registration plates for War Veterans, upon second reading, temporarily displaced earlier.

The Committee Substitute bill No. 2 passes its second reading by roll–call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, Davis, East, Edwards, Foxx, Gulley, Hobbs, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Sawyer, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for further consideration upon third reading.

S.B. 345 (House Committee Substitute No. 5), a bill to make substantive changes to the insurance laws, for concurrence in the House Committee Substitute bill No. 5, placed earlier today on the Calendar.

The Senate concurs in the House Committee Substitute bill No. 5 (43–0) and the measure is ordered enrolled.

CONFERENCE REPORT

H.B. 230 (Senate Committee Substitute)

Senator Plyler for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 230** (Senate Committee Substitute), a bill to appropriate funds to provide expansion expenditures and capital improvements for State departments, institutions, and agencies, and for other purposes, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 230, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE EXPANSION EXPENDITURES AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, Senate Appropriations Committee Substitute Fifth Edition Engrossed 7/13/95, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the Senate Appropriations Committee Substitute Fifth Edition Engrossed 7/13/95, and the House concurs in the Senate Appropriations Committee Substitute Fifth Edition Engrossed 7/13/95, as amended: Delete the entire Senate Appropriations Committee Substitute Fifth Edition Engrossed 7/13/95, and substitute the attached Proposed Conference Committee Substitute H230–PCCS 5175.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 28, 1995.

S/Aaron W. Plyler, Co–chairman
S/Beverly M. Perdue, Co–chairman
S/T.L. Odom, Co–chairman
S/Leslie Winner
Clark Plexico
S/R.L. Martin
S/William Martin
S/Frank W. Ballance, Jr.
S/Ed N. Warren
S/David Hoyle
S/Anthony E. Rand
S/J. Richard Conder
S/C.R. Edwards
James S. Forrester
S/John Kerr
S/J.K. Sherron
S/Wib P. Gulley

S/George M. Holmes, Co–chair
S/Theresa H. Esposito, Co–chair
S/Billy J. Creech, Co–chair
S/Joe L. Kiser
S/Carolyn B. Russell
S/N. Leo Daughtry
S/Robin Hayes
S/Charlotte A. Gardner
S/Joanne W. Bowie
S/Bobby H. Barbee, Sr.
S/J. Shawn Lemmond
S/William M. Ives
S/W. Franklin Mitchell
John H. Weatherly
S/Gregory J. Thompson
S/Larry T. Justus
S/Frances M. Cummings

S/Luther H. Jordan, Jr.

Conferees for the Senate

S/Robert Grady
S/Jean R. Preston
S/James W. Crawford, Jr.
S/Edd Nye
S/William Culpepper III

Conferees for the House of Representatives

The text of the attached proposed Conference Committee Substitute bill 5175, is as follows:

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO PROVIDE EXPANSION EXPENDITURES AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

PART 1. INTRODUCTION AND TITLE OF ACT

Section 1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act, or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

Sec. 1.1. This act shall be known and cited as "The Expansion and Capital Improvements Appropriations Act of 1995".

PART 2. EXPANSION – RECURRING/GENERAL FUND

Sec. 2. Appropriations of recurring funds from the General Fund of the State for the expansion of the State departments, institutions, and agencies, and for other purposes as enumerated are made for the biennium ending June 30, 1997, according to the schedule that follows.

Expansion – Recurring – General Fund	1995–96	1996–97
Judicial	$2,854,907	$3,170,506
Office of the Governor	138,608	183,383
Department of Secretary of State	201,537	201,537
Department of State Treasurer	4,448,000	4,448,000
Department of Public Education	4,863,448	32,178,818
University of North Carolina – Board of Governors Institutional Programs	144,000	487,646
Department of Justice	594,005	698,711
Department of Administration	348,704	348,704
Department of Insurance	485,000	1,985,000
Department of Labor	36,000	39,348

Department of Commerce	267,041	267,041
Department of Environment, Health, and Natural Resources	3,299,750	3,259,750
Department of Human Resources		
Division of Aging	515,000	515,000
Office of the Secretary	400,000	400,000
Division of Social Services	942,067	853,199
Division of Services for the Blind	425,000	425,000
Division of Mental Health, Developmental Disabilities, and Substance Abuse Services	13,000,000	18,182,213
Division of Vocational Rehab	1,135,000	1,135,000
Division of Youth Services	991,371	1,610,541
Division for Services for Deaf and Hard of Hearing	500,000	1,500,000
Division of Child Development	290,124	310,243
Total Department of Human Resources	**$18,198,562**	**$24,931,196**
Department of Correction	7,615,200	45,235,450
Department of Revenue	3,265,811	3,040,615
Department of State Auditor	103,271	103,271
Department of Cultural Resources	740,673	887,257
Department of Crime Control and Public Safety	200,542	199,872
Office of State Controller	1,474,842	1,593,851
Board of Elections	1,000	1,000
Debt Service	15,031,552	24,369,052
Reserve for Salary Adjustments	800,000	800,000
Reserve for Compensation Increase	99,336,570	99,336,570
Department of Community Colleges	11,031,685	11,031,685
Reserve for Child Support Legislation	170,000	170,000
Reserve for Administrative Rules Process	167,000	167,000
GRAND TOTAL CURRENT OPERATIONS GENERAL FUND RECURRING	**$175,817,708**	**$259,135,263**

PART 3. EXPANSION – NONRECURRING/GENERAL FUND

EXPANSION – NONRECURRING/GENERAL FUND

Sec. 3. Appropriations of nonrecurring funds from the General Fund of the State for the expansion of the State departments, institutions, and agencies, and for other purposes as enumerated are made for the biennium ending June 30, 1997, according to the schedule that follows. Amounts set out in brackets are reductions from General Fund appropriations for the 1995–96 and 1996–97 fiscal years.

Expansion – Nonrecurring— General Fund	1995–96	1996–97
Judicial	$2,722,228	$298,062
General Assembly	285,000	—
Office of the Governor	559,571	1,000,000

Office of State Budget and Management	75,000	—
Department of Public Education	32,526,146	—
Department of Secretary of State	10,700	—
Reserve for Administrative Rules Process	167,000	167,000
University of North Carolina –Board of Governors Institutional Programs	1,678,646	500,000
Department of Justice	389,380	295,294
Department of Administration	216,735	—
Department of Insurance	515,000	—
Department of Agriculture	200,000	—
Department of Commerce	6,650,000	1,250,000
Rural Economic Dev. Center	3,800,000	—
MCNC	(1,000,000)	—
Department of Environment, Health, and Natural Resources	3,926,190	500,000
Department of Human Resources		
Division of Aging	100,000	—
Division of Child Development	950,000	100,000
Office of the Secretary	2,000,000	—
Division of Social Services	300,000	—
Division of Mental Health, Developmental Disabilities, and Substance Abuse Services	400,000	—
Total Department of Human Resources	**$3,750,000**	**100,000**
Department of Correction	2,833,456	561,971
Department of Revenue	8,040,412	116,600
Department of Cultural Resources	10,371,326	—
Department of Crime Control and Public Safety	754,932	125,000
Office of State Controller	6,490,457	—
State Board of Elections	575,000	3,500,000
Department of State Auditor	12,800	—
Department of Community Colleges	15,551,317	—
Reserve for Child Support Legislation	399,300	—
Reserve for Compensation Increase	3,521,609	—
Reserve for Administrative Rules Process	40,000	—
GRAND TOTAL – CURRENT OPERATIONS– GENERAL FUND NONRECURRING	**$104,895,205**	**$8,246,927**

PART 4A. EXPANSION/CAPITAL/HIGHWAY FUND

Sec. 4A. Appropriations of funds from the Highway Fund of the State for the expansion of the Department of Transportation are made for the biennium ending June 30, 1997, and for capital improvements for the 1995–96 fiscal year, according to the following schedule.

	1995–96	1996–97
A. EXPANSION PROJECTS		
1. DOT Administration	$7,886,537	$8,136,463
2. Division of Highways		
a. Administration and Operations	102,849	102,849
b. State Construction		
01. Small Urban Construction	3,000,000	3,000,000
c. State Maintenance		
01. Urban System	2,420,000	5,420,000
02. Contract Resurfacing	2,703,108	5,000,000
03. Primary	2,000,000	2,346,171
3. Division of Motor Vehicles	5,429,206	4,564,504
4. State Aid for Public Transportation	5,800,000	5,800,000
5. Reserve for Asphalt Plant Cleanup	1,000,000	1,000,000
6. Reserve for Pay Increase	7,914,055	7,914,055
7. Reserve for PCB Cleanup	1,000,000	—
Appropriations to Other State Agencies		
a. General Assembly	200,000	—
b. Crime Control and Public Safety	1,662,525	1,035,175
Total	$41,118,280	$44,319,217

B. CAPITAL IMPROVEMENTS PROJECTS	
1. Roof Replacements Statewide	$ 432,900
2. HVAC Replacements Statewide – DMV	123,800
3. Safety Upgrades Statewide – DMV	123,800
4. Fire Alarm Renovations Materials and Test Lab, Raleigh, NC	72,800
5. Parking Lot Repairs Statewide – DMV	133,700
6. Roadside Environmental Warehouse Sylva, NC	463,000
7. District Engineer's Office Marion, NC	590,000
8. DMV/SHP Supplemental Funding Durham, NC	69,890
9. DMV/SHP Supplemental Funding Salisbury, NC	110,000
10. Equipment Shop Washington, NC	916,000
11. Equipment Shop Wentworth, NC	911,000
12. Equipment Shop Kinston, NC	916,000
13. Equipment Shop Meadows, NC	913,000
14. Materials and Test Lab Asheville, NC	389,000
15. DMV/SHP Addition and Renovation Morganton, NC	272,700
16. Exterior Renovation, Transportation Building, Raleigh, NC	169,900
17. Building and Land Purchase Williamston, NC	368,000
18. Electrical Upgrades Transportation Building, Raleigh, NC	1,922,100
Total	$8,897,590

Fuel Tank Replacement – State Highway Patrol
Provides funds for replacement of fuel tanks at 15 sites @ $32,000 per site and $20,000 for testing equipment. $ 500,000

PART 4B. BUDGET AVAILABILITY STATEMENT REVISED

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

AVAILABILITY

Sec. 4B. Section 5 of Chapter 324 of the 1995 Session Laws reads as rewritten:

"Sec. 5. The General Fund and availability used in developing the 1995–97 budget is as shown below:

(1) Composition of the 1995–97 beginning availability:

		($ Million)
a.	Revenue collections in 1994–95 in excess of authorized estimates	$192.00
b.	Unexpended appropriations during 1994–95 (reversions)	162.40
c.	Balance brought forward	33.40
	Subtotal	387.80
d.	Transfer to Savings Reserve	96.90
e.	Transfer to Reserve for Repair and Renovations	125.00
	Ending Fund Balance	$ 165.9

		($ Million) 1995–96	($ Million) 1996–97
(2)	Beginning Unrestricted Fund Balance	$ 165.9	$ –
(3)	Revenues Based on Existing Tax Structure	10,019.6	10,658.1
(4)	94–95 Reserve for Tax Reductions	28.1	–
Changes:			
1.	Tax Changes		
(a)	Personal Income	–235.0	–244.1
(b)	Intangibles Repeal	–124.4	–124.5
(c)	H 396 (C495) Ports Tax Credit	–.7	–.7
	H 55 (C477) Aquaculture Sales Tax Exemption	–.1	–.1
	H 759 (C472) Nonprofit Home Sales Tax Refunds	–1.4	–1.4
	H 223 (C474) Soft Drink Tax	–	–9.6
	H 360 (C451) RR Diesel Sales Tax Exemption	–1.2	–1.5
	H 718 (C456) State Parks Trust Fund	–	–18.0
	Total Tax Changes	–362.8	–399.9
2.	Local Sales Tax – Local Government Commission	1.5	1.5
3.	Insurance Regulatory Charges	~~3.7~~ 4.7	~~3.7~~ 4.2

4.	Treasurer's Banking Fees	–.7	–.7
5.	Disproportionate Share Receipts	106.9	117.7
6.	Investment Income Electronic Fund Transfers	2.0	2.0
Availability		~~$9,967.6~~	~~$10,413.7~~
		$9,965.2	$10,382.9"

PART 6. GENERAL PROVISIONS

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

BUDGETING OF PILOT PROGRAMS

Sec. 6. (a) Any program designated by the General Assembly as experimental, model, or pilot shall be shown as a separate budget item and shall be considered as an expansion item until a succeeding General Assembly reapproves it.

Any new program funded in whole or in part through a special appropriations bill shall be designated as an experimental, model, or pilot program.

(b) The Governor shall submit to the General Assembly with his proposed budget a report of which items in the proposed budget are subject to the provisions of this section.

Requested by: Senators Plyler, Perdue, Odom

AUTHORIZATION OF PRIVATE LICENSE TAGS ON STATE–OWNED MOTOR VEHICLE

Sec. 6.1. (a) Pursuant to the provisions of G.S. 14–250, for the 1995–97 fiscal biennium, the General Assembly authorizes the use of private license tags on State–owned motor vehicles only for the State Highway Patrol and for the following:

Department	Exemption Category	Number
Motor Vehicles	License and Theft	97
Justice	SBI Agents	277
Correction	Probation/Parole Surveillance Officers (intensive probation)	25
Crime Control and Public Safety	ALE Officers	92
	Revenue	3
	Capital Area Police	2

(b) The 92 ALE vehicles authorized by this section to use private license tags shall be distributed as follows:

(1) 54 among Agent I officers;
(2) 20 among Agent II officers;
(3) 1 to the Deputy Director;
(4) 12 to the District Offices/Extra Vehicles; and
(5) 5 to the Director, to be distributed at the Director's discretion.

(c) Except as provided in this section, all State–owned motor vehicles shall bear permanent registration plates issued under G.S. 20–84.

Requested by: Senators Plyler, Perdue, Odom

AUTHORIZATION OF PRIVATE LICENSE TAGS ON STATE-OWNED MOTOR VEHICLE

Sec. 6.2. (a) G.S 18B-500(f) is repealed.

(b) G.S. 20-39(h) reads as rewritten:

"(h) The Commissioner, notwithstanding any other provision of this Chapter, may lawfully and to the extent necessary, provide local, State or federal law-enforcement officers on special undercover assignments with motor vehicle drivers licenses and motor vehicle registration plates under assumed names using false or fictitious addresses. Such registration plates shall only be used on publicly owned or leased vehicles. Requests for these licenses and registration plates shall be made to the Commissioner by the head of the local, State or federal law-enforcement agency and be accompanied by approval in writing from the Director of the State Bureau of Investigation upon a specific finding by the Director that the request is justified and necessary. The Director shall keep a record of all such licenses, registration plates, assumed names, false or fictitious addresses, and law-enforcement officers using the licenses or registration plates, and shall request the immediate return of any license or registration plate that is no longer necessary. Licenses and registration plates provided under this subsection shall expire six months after initial issuance or subsequent validation after the request for extension has been approved in writing by the Director of the State Bureau of Investigation. The head of the local, State or federal law-enforcement agency shall be responsible for the use of the licenses and registration plates and shall return them immediately to the Commissioner for cancellation upon either (i) their expiration, (ii) request of the Director of the State Bureau of Investigation, or (iii) request of the Commissioner. Failure to return a license or registration plates issued pursuant to this subsection shall be punished as a Class 2 misdemeanor. At no time shall the number of valid licenses and registration plates issued under this act exceed ~~one hundred,~~ fifty, and those issued shall be strictly monitored by the Director. All of the private registration plates issued to special agents of the State Bureau of Investigation under the Department of Justice and to alcohol law enforcement agents under the Department of Crime Control and Public Safety, pursuant to G.S. 14-250, may be fictitious plates and shall not be counted in the total number of fictitious plates authorized by this subsection."

(c) G.S. 114-17.1 is repealed.

Requested by: Senators Plyler, Perdue, Odom

DELETE DUPLICATIVE REPORT ON OVEREXPENDITURES OF FUNDS

Sec. 6.3. G.S. 143-23(a1) reads as rewritten:

"(a1) No transfers may be made between objects or line items in the budget of any department, institution, or other spending agency; however, with the approval of the Director of the Budget, a department, institution, or other spending agency may spend more than was appropriated for an object or line item if the overexpenditure is:

(1) In a purpose or program for which funds were appropriated for that fiscal period and the total amount spent for the purpose or program is no more than was appropriated for the purpose or program for the fiscal period;

(2) Required to continue a purpose or program because of unforeseen events, so long as the scope of the purpose or program is not increased;
(3) Required by a court, Industrial Commission, or administrative hearing officer's order or award or to match unanticipated federal funds;
(4) Required to respond to an unanticipated disaster such as a fire, hurricane, or tornado; or
(5) Required to call out the National Guard.

~~If the total of all overexpenditures of a line item approved by the Director of the Budget for a fiscal year for the purposes set out in subdivisions (1) and (2) of this subsection exceeds ten percent (10%) of the line item amount in the budget enacted by the General Assembly, the Director of the Budget shall report monthly to the Joint Legislative Commission on Governmental Operations. The report shall include the reasons that make overexpenditures necessary and any unforeseen events necessitating overexpenditures that occurred after the budget was enacted by the General Assembly.~~

The Director of the Budget shall report on a quarterly basis to the Joint Legislative Commission on Governmental Operations, the Fiscal Research Division of the Legislative Services Office, and the State Auditor the reason if the amount expended for a purpose or program is more than the amount appropriated for it from all sources. If the overexpenditure was authorized under subdivision (2) of this subsection, the Director of the Budget shall identify in the report the unforeseen event that required the overexpenditure."

Requested by: Senators Plyler, Perdue, Odom,
Representatives Holmes, Creech, Esposito

NO EXPANSION OF PERFORMANCE BUDGETING

Sec. 6.5. Notwithstanding any other provision of law, no funds from any source shall be used to expand the areas covered by the performance budget format or any other aspect of performance budgeting for the 1996–97 or subsequent fiscal years until such expansion is specifically authorized by the General Assembly.

Requested by: Senators Plyler, Perdue, Odom,
Representatives Holmes, Creech, Esposito

RESERVE FOR THE ADMINISTRATIVE RULES PROCESS

Sec. 6.6. Funds in the amount of two hundred seven thousand dollars ($207,000) for the 1995–96 fiscal year and one hundred sixty–seven thousand dollars ($167,000) for the 1996–97 fiscal year are appropriated in this act to the Office of State Budget and Management, Reserve for the Administrative Rules Process. The Director of the Budget shall allocate funds from this reserve to the Office of State Budget and Management, the Office of Administrative Hearings, and other agencies, as necessary to implement the provisions of Section 27.8 of this act.

PART 7. SALARIES AND BENEFITS

Requested by: Representatives Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

GOVERNOR/COUNCIL OF STATE/SALARY INCREASES

Sec. 7.1. (a) G.S. 147–11(a) reads as rewritten:

"(a) The salary of the Governor shall be ~~ninety-seven thousand six hundred dollars ($97,600)~~ ninety-eight thousand five hundred seventy-six dollars ($98,576) annually, payable monthly."

(b) The annual salaries for the members of the Council of State, payable monthly, for the 1995-96 and 1996-97 fiscal years are:

Council of State	Annual Salary
Lieutenant Governor	$87,000
Attorney General	87,000
Secretary of State	87,000
State Treasurer	87,000
State Auditor	87,000
Superintendent of Public Instruction	87,000
Agriculture Commissioner	87,000
Insurance Commissioner	87,000
Labor Commissioner	87,000

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

NONELECTED DEPARTMENT HEAD/SALARY INCREASES

Sec. 7.2. In accordance with G.S. 143B-9, the maximum annual salaries, payable monthly, for the nonelected heads of the principal State departments for the 1995-96 and 1996-97 fiscal years are:

Nonelected Department Heads	Annual Salary
Secretary of Administration	$85,000
Secretary of Correction	85,000
Secretary of Cultural Resources	85,000
Secretary of Commerce	85,000
Secretary of Environment, Health, and Natural Resources	85,000
Secretary of Human Resources	85,000
Secretary of Revenue	85,000
Secretary of Transportation	85,000
Secretary of Crime Control and Public Safety	85,000

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

CERTAIN EXECUTIVE BRANCH OFFICIALS/SALARY INCREASES

Sec. 7.3. The annual salaries, payable monthly, for the 1995-96 and 1996-97 fiscal years for the following executive branch officials are:

Executive Branch Officials	Annual Salary
Chairman, Alcoholic Beverage Control Commission	$ 77,365
State Controller	108,271
Commissioner of Motor Vehicles	77,365
Commissioner of Banks	77,365
Chairman, Employment Security Commission	77,365
State Personnel Director	85,000
Chairman, Parole Commission	70,643
Members of the Parole Commission	65,220

Chairman, Industrial Commission	69,510
Members of the Industrial Commission	67,817
Chairman of the Utilities Commission	81,381
Commissioner of the Utilities Commission	80,381
Executive Director, Agency for Public Telecommunications	65,220
General Manager, Ports Railway Commission	58,893
Director, Museum of Art	79,274
Executive Director, Wildlife Resources Commission	66,773
Executive Director, North Carolina Housing Finance Agency	95,746
Executive Director, North Carolina Agricultural Finance Authority	75,302
Director, Office of Administrative Hearings	76,500

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

JUDICIAL BRANCH OFFICIALS/SALARY INCREASE

Sec. 7.4. (a) The annual salaries, payable monthly, for specified judicial branch officials for the 1995–96 and 1996–97 fiscal years are:

Judicial Branch Officials	Annual Salary
Chief Justice, Supreme Court	$98,576
Associate Justice, Supreme Court	96,000
Chief Judge, Court of Appeals	93,600
Judge, Court of Appeals	92,000
Judge, Senior Regular Resident Superior Court	89,500
Judge, Superior Court	87,000
Chief Judge, District Court	79,000
Judge, District Court	76,500
District Attorney	80,600
Administrative Officer of the Courts	89,500
Assistant Administrative Officer of the Courts	75,160
Public Defender	80,600

(b) The district attorney or public defender of a judicial district, with the approval of the Administrative Officer of the Courts, shall set the salaries of assistant district attorneys or assistant public defenders, respectively, in that district such that the average salaries of assistant district attorneys or assistant public defenders in that district do not exceed forty–nine thousand five hundred eighty dollars ($49,580), and the minimum salary of any assistant district attorney or assistant public defender is at least twenty–five thousand three hundred twelve dollars ($25,312) effective July 1, 1995.

(c) The salaries in effect for the 1994–95 fiscal year for permanent, full–time employees of the Judicial Department, except for those whose salaries are itemized in this Part, shall be increased by two percent (2%), commencing July 1, 1995.

(d) The salaries in effect for the 1994–95 fiscal year for all permanent, part–time employees of the Judicial Department shall be increased on and after July 1, 1995, by pro rata amounts of the two percent (2%).

Requested by: Senators Rand, Plyler, Perdue, Odom,
Representatives Holmes, Creech, Esposito

REDEFINE SERVICE FOR PURPOSES OF LONGEVITY PAY FOR ASSISTANT DISTRICT ATTORNEYS

Sec. 7.4A. G.S. 7A-65(d) reads as rewritten:

"(d) In lieu of merit and other increment raises paid to regular State employees, an assistant district attorney shall receive as longevity pay an amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations Act payable monthly after five years of service, nine and six-tenths percent (9.6%) after 10 years of service, and fourteen and four-tenths percent (14.4%) after 15 years of service. 'Service' means service as an assistant district ~~attorney.~~ attorney or as a district attorney."

Requested by: Representatives Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

ASSISTANT AND DEPUTY CLERKS OF COURT/SALARY INCREASE

Sec. 7.6. (a) G.S. 7A-102(c1) reads as rewritten:

"(c1) A full-time assistant clerk or a full-time deputy clerk, and up to one full-time deputy clerk serving as head bookkeeper per county, shall be paid an annual salary subject to the following minimum and maximum rates:

Assistant Clerks and Head Bookkeeper		Annual Salary
Minimum	~~$21,126~~	$21,549
Maximum	~~37,406~~	38,154
Deputy Clerks		Annual Salary
Minimum	~~$16,891~~	$17,229
Maximum	~~28,813~~	29,389."

(b) G.S. 7A-102(c) reads as rewritten:

"(c) Notwithstanding the provisions of subsection (a), the Administrative Officer of the Courts shall establish an incremental salary plan for assistant clerks and for deputy clerks based on a series of salary steps corresponding to the steps contained in the Salary Plan for State Employees adopted by the Office of State Personnel, subject to a minimum and a maximum annual salary as set forth below. On and after July 1, 1985, each assistant clerk and each deputy clerk shall be eligible for an annual step increase in his salary plan based on satisfactory job performance as determined by each clerk. Notwithstanding the foregoing, if an assistant or deputy clerk's years of service in the office of superior court clerk would warrant an annual salary greater than the salary first established under this section, that assistant or deputy clerk shall be eligible on and after July 1, 1984, for an annual step increase in his salary plan. Furthermore, on and after July 1, 1985, that assistant or deputy clerk shall be eligible for an increase of two steps in his salary plan, and shall remain eligible for a two-step increase each year as recommended by each clerk until that assistant or deputy clerk's annual salary corresponds to his number of years of service. Any person covered by this subsection who would not receive a step increase in fiscal year ~~1994-95~~ 1995-96 because that person is at the top of the salary range as it existed for fiscal year ~~1993-94~~ 1994-95 shall receive a salary increase to the maximum annual salary provided by subsection (c1) of this section."

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

MAGISTRATES' PAY PLAN

Sec. 7.7. (a) G.S. 7A–171.1(a)(1) reads as rewritten:

"(1) A full–time magistrate shall be paid the annual salary indicated in the table set out in this subdivision. A full–time magistrate is a magistrate who is assigned to work an average of not less than 40 hours a week during the term of office. The Administrative Officer of the Courts shall designate whether a magistrate is full–time. Initial appointment shall be at the entry rate. A magistrate's salary shall increase to the next step every two years on the anniversary of the date the magistrate was originally appointed for increases to Steps 1 through 3, and every four years on the anniversary of the date the magistrate was originally appointed for increases to Steps 4 through 6.

Table of Salaries of Full–Time Magistrates

Step Level		Annual Salary
Entry Rate	~~$22,958~~	$23,417
Step 1	~~25,262~~	25,767
Step 2	~~27,770~~	28,325
Step 3	~~30,506~~	31,116
Step 4	~~33,503~~	34,173
Step 5	~~36,797~~	37,533
Step 6	~~40,420.~~	41,228."

(b) G.S. 7A–171.1(a1)(1) reads as rewritten:

"(1) The salaries of magistrates who on June 30, 1994, were paid at a salary level of less than five years of service under the table in effect that date shall be as follows:

Less than 1 year of service	~~$ 18,095~~	18,457
1 or more but less than 3 years of service	~~19,025~~	19,406
3 or more but less than 5 years of service	~~20,896~~	21,314.

Upon completion of five years of service, those magistrates shall receive the salary set as the Entry Rate in the table in subsection (a)."

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

GENERAL ASSEMBLY

Sec. 7.8. G.S. 120–3(b) reads as rewritten:

"(b) Every other member of the General Assembly shall receive increases in annual salary only to the extent of and in the amounts equal to the average increases received by employees of the State, effective upon convening of the next Regular Session of the General Assembly after enactment of these increased ~~amounts.~~ amounts, except no such increase is granted upon the convening of the 1997 Regular Session of the General Assembly. Accordingly, upon convening of the ~~1995~~ 1997 Regular Session of the General Assembly, every other member of the General Assembly shall be paid an annual salary of thirteen thousand nine

hundred fifty-one dollars ($13,951) payable monthly, and an expense allowance of five hundred fifty-nine dollars ($559.00) per month."

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

GENERAL ASSEMBLY PRINCIPAL CLERKS/SALARY INCREASES

Sec. 7.9. G.S. 120-37(c) reads as rewritten:

"(c) The principal clerks shall be full-time officers. Each principal clerk shall be entitled to other benefits available to permanent legislative employees and shall be paid an annual salary of ~~fifty-four thousand dollars ($54,000)~~ fifty-five thousand eighty dollars ($55,080) payable monthly. The Legislative Services Commission shall review the salary of the principal clerks prior to submission of the proposed operating budget of the General Assembly to the Governor and Advisory Budget Commission and shall make appropriate recommendations for changes in those salaries. Any changes enacted by the General Assembly shall be by amendment to this paragraph."

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

SERGEANT-AT-ARMS AND READING CLERKS/SALARY INCREASES

Sec. 7.10. G.S. 120-37(b) reads as rewritten:

"(b) The sergeant-at-arms and the reading clerk in each house shall be paid a salary of ~~two hundred thirty-two dollars ($232.00)~~ two hundred thirty-seven dollars ($237.00) per week, plus subsistence at the same daily rate provided for members of the General Assembly, plus mileage at the rate provided for members of the General Assembly for one round trip only from their homes to Raleigh and return. The sergeants-at-arms shall serve during sessions of the General Assembly and at such time prior to the convening of, and subsequent to adjournment or recess of, sessions as may be authorized by the Legislative Services Commission. The reading clerks shall serve during sessions only."

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

LEGISLATIVE EMPLOYEES/SALARY INCREASES

Sec. 7.11. The Legislative Administrative Officer shall increase the salaries of nonelected employees of the General Assembly in effect for fiscal year 1994-95 by two percent (2%). Nothing in this act limits any of the provisions of G.S. 120-32.

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

COMMUNITY COLLEGES PERSONNEL/SALARY INCREASES

Sec. 7.12. The Director of the Budget shall transfer from the Reserve for Salary Increases created in this act for fiscal year 1995-96 funds to the Department of Community Colleges necessary to provide an average annual salary increase of two percent (2%), including funds for the employer's retirement and social security contributions, commencing July 1, 1995, for all permanent full-time community college institutional personnel supported by State funds. The State Board of Community Colleges shall establish guidelines for providing their salary increases to community college institutional personnel. Salary funds shall be used

to provide an average annual salary increase of two percent (2%) to all full-time employees and part-time employees on a pro rata basis.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

UNIVERSITY OF NORTH CAROLINA SYSTEM - EPA SALARY INCREASES

Sec. 7.13. The Director of the Budget shall transfer to the Board of Governors of The University of North Carolina sufficient funds from the Reserve for Salary Increases created in this act for fiscal year 1995-96 to provide an annual average salary increase of two percent (2%), including funds for the employer's retirement and social security contributions, commencing July 1, 1995, for all employees of The University of North Carolina, as well as employees other than teachers of the North Carolina School of Science and Mathematics, supported by State funds and whose salaries are exempt from the State Personnel Act (EPA). These funds shall be allocated to individuals according to the rules adopted by the Board of Governors, or the Board of Trustees of the North Carolina School of Science and Mathematics, as appropriate, and may not be used for any purpose other than for salary increases and necessary employer contributions provided by this section.

Requested by: Senators Plyler, Perdue, Odom,
Representatives Holmes, Creech, Esposito

MOST STATE EMPLOYEES/SALARY INCREASES/1995-96

Sec. 7.14. (a) The salaries in effect June 30, 1995, of all permanent full-time State employees whose salaries are set in accordance with the State Personnel Act, and who are paid from the General Fund or the Highway Fund shall be increased, on or after July 1, 1995, unless otherwise provided by this act, by two percent (2%).

(b) Except as otherwise provided in this act, salaries in effect June 30, 1995, for permanent full-time State officials and persons in exempt positions that are recommended by the Governor or the Governor and the Advisory Budget Commission and set by the General Assembly shall be increased by two percent (2%), commencing July 1, 1995.

(c) The salaries in effect June 30, 1995, for all permanent part-time State employees shall be increased on and after July 1, 1995, by pro rata amounts of the salary increases provided for permanent full-time employees covered under subsection (a) of this section.

(d) The Director of the Budget may allocate out of special operating funds or from other sources of the employing agency, except tax revenues, sufficient funds to allow a salary increase on and after July 1, 1995, in accordance with subsections (a), (b), or (c) of this section, including funds for the employer's retirement and social security contributions, of the permanent full-time and part-time employees of the agency.

(e) Within regular Executive Budget Act procedures as limited by this act, all State agencies and departments may increase on an equitable basis the rate of pay of temporary and permanent hourly State employees, subject to availability of funds in the particular agency or department, by pro rata amounts salary increase provided for permanent full-time employees covered by the provisions of subsection (a) of this section, commencing July 1, 1995.

(f) No person may receive a salary increase under G.S. 126–7 during the 1995–96 fiscal year, and no State employee or officer shall receive a merit increment during the 1995–96 and 1996–97 fiscal years except as otherwise provided by this act.

Requested by: Senators Plyler, Perdue, Odom,
Representatives Holmes, Creech, Esposito

ALL STATE–SUPPORTED PERSONNEL/SALARY INCREASES

Sec. 7.15. (a) Salaries and related benefits for positions that are funded partially from the General Fund or Highway Fund and partially from sources other than the General Fund or Highway Fund shall be increased from the General Fund or Highway Fund appropriation only to the extent of the proportionate part of the salaries paid from the General Fund or Highway Fund.

(b) The granting of the salary increases under this act does not affect the status of eligibility for salary increments for which employees may be eligible unless otherwise required by this act.

(c) The salary increases provided in this Part are to be effective July 1, 1995, do not apply to persons separated from State service due to resignation, dismissal, reduction in force, death, or retirement, whose last workday is prior to July 1, 1995, or to employees involved in final written disciplinary procedures. The employee shall receive the increase on a current basis when the final written disciplinary procedure is resolved.

Payroll checks issued to employees after July 1, 1995, which represent payment of services provided prior to July 1, 1995, shall not be eligible for salary increases provided for in this act. This subsection shall apply to all employees, subject to or exempt from the State Personnel Act, paid from State funds, including public schools, community colleges, and The University of North Carolina.

(d) The Director of the Budget shall transfer from the Reserve for Salary Increases in this act for fiscal year 1995–96 all funds necessary for the salary increases provided by this act, including funds for the employer's retirement and social security contributions.

(e) The Director of the Budget shall allocate funds from the Reserve for Salary Adjustments provided in Section 2 of Chapter 324 of the 1995 Session Laws to the Department of Environment, Health, and Natural Resources to implement, effective July 1, 1995, the salary range revision approved for dental hygienists in October 1993. This revision is in addition to any other salary increment provided for those dental hygienists in this act.

(f) Nothing in this act authorizes the transfer of funds between the General Fund and the Highway Fund for salary increases.

Requested by: Senators Plyler, Perdue, Odom,
Representatives Holmes, Creech, Esposito

LAW ENFORCEMENT SALARIES EQUALIZED

Sec. 7.15A. The Office of State Personnel shall adjust the salaries of law enforcement positions in Marine Fisheries and Wildlife Resources so that the average salaries of these employees are the same as the average salaries of members of the Highway Patrol in the same salary grade. Within each salary grade, each position shall receive the same percentage increase, except that no salary shall be increased above the top of the range.

Requested by: Senators Plyler, Perdue, Odom,
Representatives Holmes, Creech, Esposito

TEMPORARY SALES TAX TRANSFER FOR WILDLIFE RESOURCES COMMISSION SALARY INCREASES

Sec. 7.15B. For the 1995–96 and 1996–97 fiscal years, the Secretary of Revenue shall transfer at the end of each quarter from the State sales and use tax net collections received by the Department of Revenue under Article 5 of Chapter 105 of the General Statutes to the State Treasurer for the Wildlife Resources Fund the cost of any legislative salary increase for employees of the Wildlife Resources Commission.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

CERTAIN PUBLIC SCHOOL EMPLOYEES' SALARY INCREASE

Sec. 7.16. (a) Superintendents, Assistant Superintendents, Associate Superintendents, Supervisors, Directors/Coordinators, and Finance Officers. — The Director of the Budget may transfer from the Reserve for Salary Increases created in this act for fiscal year 1995–96 funds necessary to provide a salary increase of two percent (2%), including funds for the employer's retirement and social security contributions, commencing July 1, 1995, for all superintendents, assistant superintendents, associate superintendents, supervisors, directors, coordinators, evaluators, and program administrators whose salaries are supported from the State's General Fund. These funds may not be used for any purpose other than for the salary increase and necessary employer contributions provided by this subsection.

(b) Noncertified Employees. — The Director of the Budget may transfer from the Reserve for Salary Increases created in this act for fiscal year 1995–96 funds necessary to provide a salary increase of two percent (2%), including funds for the employer's retirement and social security contributions, commencing July 1, 1995, for all noncertified public school employees, except school bus drivers, whose salaries are supported from the State's General Fund. These funds may not be used for any purpose other than for the salary increases and necessary employer contributions provided by this subsection.

(c) The fiscal year 1994–95 pay rates adopted by local boards of education for school bus drivers shall be increased by at least two percent (2%) on and after July 1, 1995, to the extent that such rates of pay are supported by the allocation of State funds from the State Board of Education. Local boards of education shall increase the rates of pay for all school bus drivers who were employed during fiscal year 1994–95 and who continue their employment for fiscal year 1995–96 by at least two percent (2%) on and after July 1, 1995. The Director of the Budget may transfer from the salary increase reserve fund created in this act for fiscal year 1995–96 funds necessary to provide the salary increases for school bus drivers whose salaries are supported from the State's General Fund in accordance with the provisions of this subsection.

Requested by: Representatives Preston, Grady,
Senators Plyler, Perdue, Odom

SCHOOL CENTRAL OFFICE SALARIES

Sec. 7.17. (a) The following monthly salary ranges apply to public school superintendents, assistant superintendents, associate superintendents, directors/

coordinators, supervisors, and finance officers for the 1995–96 fiscal year:

(1) School Administrator I:	$2,697 – $4,338
(2) School Administrator II:	$2,862 – $4,604
(3) School Administrator III:	$3,037 – $4,886
(4) School Administrator IV:	$3,160 – $5,084
(5) School Administrator V:	$3,287 – $5,290
(6) School Administrator VI:	$3,488 – $5,614
(7) School Administrator VII:	$3,629 – $5,841

The local board of education shall determine the appropriate category and placement for each assistant superintendent, associate superintendent, director/coordinator, supervisor, or finance officer, within the salary ranges and within funds appropriated by the General Assembly for central office administrators and superintendents. The category in which an employee is placed shall be included in the contract of any employee hired on or after July 1, 1995.

(b) The following monthly salary ranges apply to public school superintendents for the 1995–96 fiscal year:

(1) Superintendent I (Up to 2,500 ADM):	$3,852 – $6,199
(2) Superintendent II (2,501 – 5,000 ADM):	$4,088 – $6,578
(3) Superintendent III (5,001 – 10,000 ADM):	$4,338 – $6,981
(4) Superintendent IV (10,001 – 25,000 ADM):	$4,604 – $7,408
(5) Superintendent V (Over 25,000 ADM):	$4,886 – $7,861

The local board of education shall determine the appropriate category and placement for the superintendent based on the average daily membership of the local school administrative unit and within funds appropriated by the General Assembly for central office administrators and superintendents.

Notwithstanding the provisions of this subsection, a local board of education may pay an amount in excess of the applicable range to a superintendent who is entitled to receive the higher amount under Section 7.19(f) of this act.

(c) Longevity pay for superintendents, assistant superintendents, associate superintendents, directors/coordinators, supervisors, and finance officers shall be as provided for State employees.

(d) Superintendents, assistant superintendents, associate superintendents, directors/coordinators, supervisors, and finance officers with certification based on academic preparation at the six–year degree level shall receive a salary supplement of one hundred twenty–six dollars ($126.00) per month in addition to the compensation provided for pursuant to this section. Superintendents, assistant superintendents, associate superintendents, directors/coordinators, supervisors, and finance officers with certification based on academic preparation at the doctoral degree level shall receive a salary supplement of two hundred fifty–three dollars ($253.00) per month in addition to the compensation provided for under this section.

(e) The State Board shall not permit local school administrative units to transfer State funds from other funding categories for salaries for public school central office administrators.

Requested by: Senators Plyler, Perdue, Odom,
Representatives Holmes, Creech, Esposito

TEACHER SALARY SCHEDULES

Sec. 7.18. (a) The Director of the Budget may transfer from the Reserve for Salary Increases for the 1995–96 fiscal year funds necessary to implement the

teacher salary schedule set out in subsection (b) of this section, including funds for the employer's retirement and social security contributions and funds for annual longevity payments at one percent (1%) of base salary for 10 to 14 years of State service, one and one-half percent (1.5%) of base salary for 15 to 19 years of State service, two percent (2%) of base salary for 20 to 24 years of State service, and two and one-half percent (2.5%) of base salary for 25 or more years of State service, commencing July 1, 1995, for all teachers whose salaries are supported from the State's General Fund. These funds shall be allocated to individuals according to rules adopted by the State Board of Education and the Superintendent of Public Instruction. The longevity payment shall be paid in a lump sum once a year.

(b)(1) Beginning July 1, 1995, the following monthly salary schedule shall apply to certified personnel of the public schools who are classified as "A" teachers. The schedule contains 30 steps with each step corresponding to one year of teaching experience.

Years of Experience	1995-96 Salary
00	$2,062
01	2,103
02	2,145
03	2,231
04	2,276
05	2,322
06	2,368
07	2,415
08	2,463
09	2,512
10	2,562
11	2,613
12	2,665
13	2,718
14	2,772
15	2,827
16	2,884
17	2,942
18	3,001
19	3,061
20	3,122
21	3,184
22	3,248
23	3,313
24	3,379
25	3,447
26	3,516
27	3,586
28	3,658
29	3,731
30+	3,731

(2) Beginning July 1, 1995, the following monthly salary schedule shall apply to certified personnel of the public schools who are classified as "G" teachers. The schedule contains 30 steps with each step corresponding to one year of teaching experience.

Years of Experience	1995–96 Salary
00	$2,191
01	2,235
02	2,280
03	2,371
04	2,418
05	2,466
06	2,515
07	2,565
08	2,616
09	2,668
10	2,721
11	2,775
12	2,831
13	2,888
14	2,946
15	3,005
16	3,065
17	3,126
18	3,189
19	3,253
20	3,318
21	3,384
22	3,452
23	3,521
24	3,591
25	3,663
26	3,736
27	3,811
28	3,887
29	3,965
30+	3,965

(3) Certified public school teachers with certification based on academic preparation at the six–year degree level shall receive a salary supplement of one hundred twenty–six dollars ($126.00) per month in addition to the compensation provided for certified personnel of the public schools who are classified as "G" teachers. Certified public school teachers with certification based on academic preparation at the doctoral degree level shall receive a salary supplement of two hundred fifty–three dollars ($253.00) per month in addition to the compensation provided for certified personnel of the public schools who are classified as "G" teachers.

(c) The first step of the salary schedule for school psychologists shall be equivalent to Step 5, corresponding to five years of experience, on the salary

schedule established in this section for certified personnel of the public schools who are classified as "G" teachers. Certified psychologists shall be placed on the salary schedule at an appropriate step based on their years of experience. Certified psychologists shall receive longevity payments based on years of State service in the same manner as teachers.

Certified psychologists with certification based on academic preparation at the six-year degree level shall receive a salary supplement of one hundred twenty-six dollars ($126.00) per month in addition to the compensation provided for certified psychologists. Certified psychologists with certification based on academic preparation at the doctoral degree level shall receive a salary supplement of two hundred fifty-three dollars ($253.00) per month in addition to the compensation provided for certified psychologists.

(d) Certified personnel of the public schools who are: (i) classified as "A" teachers; (ii) at the maximum of their pay range on June 30, 1995; and (iii) employed as teachers for the first three pay periods of the 1995-96 school year shall receive a one-time bonus of seven hundred forty-six dollars ($746.00), payable at the third payroll period of the 1995-96 school year. Certified personnel of the public schools who are: (i) classified as "G" teachers; (ii) at the maximum of their pay range on June 30, 1995; and (iii) employed as teachers for the first three pay periods of the 1995-96 school year, shall receive a one-time bonus of seven hundred ninety-three dollars ($793.00), payable at the third payroll period of the 1995-96 school year. Certified personnel of the public schools who are: (i) certified based on academic preparation at the six-year degree level; (ii) at the maximum of their pay range on June 30, 1995; and (iii) employed as teachers for the first three pay periods of the 1995-96 school year shall receive a one-time bonus of eight hundred eighteen dollars ($818.00), payable at the third payroll period of the 1995-96 school year. Certified personnel of the public schools who are: (i) certified based on academic preparation at the doctoral degree level; (ii) at the maximum of their pay range on June 30, 1995; and (iii) employed as teachers for the first three pay periods of the 1995-96 school year shall receive a one-time bonus of eight hundred forty-four dollars ($844.00), payable at the third payroll period of the 1995-96 school year.

(e) Certified personnel of the public schools who are: (i) classified as psychologists with advanced degrees; (ii) at the maximum of their pay range on June 30, 1995; and (iii) employed as school psychologists for the first three pay periods of the 1995-96 school year, shall receive a one-time bonus of nine hundred one dollars ($901.00), payable at the third payroll period of the 1995-96 school year. Certified personnel of the public schools who are: (i) classified as psychologists with doctoral degrees; (ii) at the maximum of their pay range on June 30, 1995; and (iii) employed as school psychologists for the first three pay periods of the 1995-96 school year, shall receive a one-time bonus of nine hundred twenty-six dollars ($926.00), payable at the third payroll period of the 1995-96 school year.

Requested by: Representatives Holmes, Creech, Esposito, Grady, Preston, Senators Plyler, Perdue, Odom

SCHOOL-BASED ADMINISTRATOR SALARIES

Sec. 7.19. (a) Funds appropriated to the Reserve for Salary Increases shall be used for the implementation of the salary schedule for school-based

administrators as provided in this section. These funds shall be used for State–paid employees only.

(b) The salary schedule for school–based administrators shall apply only to principals and assistant principals. The salary schedule for the 1995–96 fiscal year is as follows:

Step	Asst. Prin.	Prin.I	Prin.II	Prin.III	Prin.IV	Prin.V	Prin.VI	Prin. VII
0	—	—	—	—	—	—	—	—
1	—	—	—	—	—	—	—	—
2	—	—	—	—	—	—	—	—
3	—	—	—	—	—	—	—	—
4	$2,491	—	—	—	—	—	—	—
5	2,541	—	—	—	—	—	—	—
6	2,592	—	—	—	—	—	—	—
7	2,644	—	—	—	—	—	—	—
8	2,697	$2,697	—	—	—	—	—	—
9	2,751	2,751	—	—	—	—	—	—
10	2,806	2,806	$2,862	—	—	—	—	—
11	2,862	2,862	2,919	—	—	—	—	—
12	2,919	2,919	2,977	$3,037	—	—	—	—
13	2,977	2,977	3,037	3,098	$3,160	—	—	—
14	3,037	3,037	3,098	3,160	3,223	$3,287	—	—
15	3,098	3,098	3,160	3,223	3,287	3,353	—	—
16	3,160	3,160	3,223	3,287	3,353	3,420	$3,488	—
17	3,223	3,223	3,287	3,353	3,420	3,488	3,558	$3,629
18	3,287	3,287	3,353	3,420	3,488	3,558	3,629	3,702
19	3,353	3,353	3,420	3,488	3,558	3,629	3,702	3,776
20	3,420	3,420	3,488	3,558	3,629	3,702	3,776	3,852
21	3,488	3,488	3,558	3,629	3,702	3,776	3,852	3,929
22	3,558	3,558	3,629	3,702	3,776	3,852	3,929	4,008
23	3,629	3,629	3,702	3,776	3,852	3,929	4,008	4,088
24	3,702	3,702	3,776	3,852	3,929	4,008	4,088	4,170
25	3,776	3,776	3,852	3,929	4,008	4,088	4,170	4,253
26	3,852	3,852	3,929	4,008	4,088	4,170	4,253	4,338
27	3,929	3,929	4,008	4,088	4,170	4,253	4,338	4,425
28	4,008	4,008	4,088	4,170	4,253	4,338	4,425	4,514
29	4,088	4,088	4,170	4,253	4,338	4,425	4,514	4,604
30	4,170	4,170	4,253	4,338	4,425	4,514	4,604	4,696
31	4,253	4,253	4,338	4,425	4,514	4,604	4,696	4,790
32	—	4,338	4,425	4,514	4,604	4,696	4,790	4,886
33	—	—	4,514	4,604	4,696	4,790	4,886	4,984
34	—	—	4,604	4,696	4,790	4,886	4,984	5,084
35	—	—	—	4,790	4,886	4,984	5,084	5,186
36	—	—	—	4,886	4,984	5,084	5,186	5,290
37	—	—	—	—	5,084	5,186	5,290	5,396
38	—	—	—	—	—	5,290	5,396	5,504
39	—	—	—	—	—	—	5,504	5,614
40	—	—	—	—	—	—	5,614	5,726
41	—	—	—	—	—	—	—	5,841.

(c) The appropriate classification for placement of principals and assistant principals on the salary schedule shall be determined in accordance with the following schedule:

Classification	Number of Teachers Supervised
Assistant Principal	
Principal I	Less than 11 Teachers
Principal II	11–21 Teachers
Principal III	22–32 Teachers
Principal IV	33–43 Teachers
Principal V	44–54 Teachers
Principal VI	55–65 Teachers
Principal VII	More than 65 Teachers

The number of teachers supervised includes teachers and assistant principals paid from State funds only; it does not include teachers or assistant principals paid from non–State funds or the principal or teacher assistants.

(d) A principal shall be placed on the step on the salary schedule that reflects total number of years of experience as a certificated employee of the public schools and an additional step for every three years of experience as a principal.

(e) Principals and assistant principals with certification based on academic preparation at the six–year degree level shall be paid a salary supplement of one hundred twenty–six dollars ($126.00) per month and at the doctoral degree level shall be paid a salary supplement of two hundred fifty–three dollars ($253.00) per month.

(f) There shall be no State requirement that superintendents in each local school unit shall receive in State–paid salary at least one percent (1%) more than the highest paid principal receives in State salary in that school unit: Provided, however, the additional State–paid salary a superintendent who was employed by a local school administrative unit for the 1992–93 fiscal year received because of that requirement shall not be reduced because of this subsection for subsequent fiscal years that the superintendent is employed by that local school administrative unit so long as the superintendent is entitled to at least that amount of additional State–paid salary under the rules in effect for the 1992–93 fiscal year.

(g) Longevity pay for principals and assistant principals shall be as provided for State employees.

(h) (1) If a principal is reassigned to a higher job classification because the principal is transferred to a school within a local school administrative unit with a larger number of State–allotted teachers, the principal shall be placed on the salary schedule as if the principal had served the principal's entire career as a principal at the higher job classification.

(2) If a principal is reassigned to a lower job classification because the principal is transferred to a school within a local school administrative unit with a smaller number of State–allotted teachers, the principal shall be placed on the salary schedule as if the principal had served the principal's entire career as a principal at the lower job classification.

This subdivision applies to all transfers on or after the ratification date of this act, except transfers in school systems that have been created, or will be created, by merging two or more school systems. Transfers in these merged systems are exempt from the provisions of this subdivision for one calendar year following the date of the merger.

(i) Except as provided in subsection (h) of this section, the salary of a principal or assistant principal shall not be less for the 1995–96 fiscal year than it was for the 1993–94 fiscal year solely as a result of placement on the salary schedule established in this section.

(j) Certified personnel of the public schools who are school administrators and who are at the maximum of their pay range on June 30, 1995, shall receive a one-time bonus as set out in the table below payable at the third payroll period of the 1995–96 school year:

Classification	Bonus Amount
Asst. Principal	$851
Asst. Principal Advanced	876
Asst. Principal Doctorate	901
Principal I	1,041
Principal I Advanced	1,071
Principal I Doctorate	1,102
Principal II	1,105
Principal II Advanced	1,135
Principal II Doctorate	1,166
Principal III	1,173
Principal III Advanced	1,203
Principal III Doctorate	1,233
Principal IV	1,220
Principal IV Advanced	1,250
Principal IV Doctorate	1,281
Principal V	1,270
Principal V Advanced	1,300
Principal V Doctorate	1,330
Principal VI	1,347
Principal VI Advanced	1,378
Principal VI Doctorate	1,408
Principal VII	1,402
Principal VII Advanced	1,432
Principal VII Doctorate	1,463.

Requested by: Representatives Holmes, Esposito, Creech, Cocklereece, Senators Plyler, Perdue, Odom

STATE EMPLOYEE RIF RIGHTS/OPTIONS

Sec. 7.20. (a) G.S. 126–7.1 reads as rewritten:

"**§ 126–7.1. Posting requirement; State employees receive priority ~~consideration.~~ consideration; reduction–in–force rights.**

(a) All vacancies for which any State agency, department, or institution openly recruit shall be posted within at least the following:

(1) The personnel office of the agency, department, or institution having the vacancy; and

(2) The particular work unit of the agency, department, or institution having the vacancy

in a location readily accessible to employees. If the decision is made, initially or at any time while the vacancy remains open, to receive applicants from outside the recruiting agency, department, or institution, the vacancy shall be listed with the Office of State Personnel for the purpose of informing current State employees of such vacancy. The State agency, department, or institution may not receive approval from the Office of State Personnel to fill a job vacancy if the agency, department, or institution cannot prove to the satisfaction of the Office of State Personnel that it complied with these posting requirements. The agency, department, or institution which hires any person in violation of these posting requirements shall pay such person when employment is discontinued as a result of such violation for the work performed during the period of time between his initial employment and separation.

(a1) State employees to be affected by a reduction in force shall be notified of the reduction in force as soon as practicable, and in any event, no less than 30 days prior to the effective date of the reduction in force.

(a2) The State Personnel Commission shall adopt rules to provide that priority consideration for State employees separated from State employment as the result of reductions in force is to enable a State employee's return to career service at a salary grade and salary rate equal to that held in the most recent position. The State Personnel Commission shall provide that a State employee who:

(1) Accepts a position at the same salary grade shall be paid at the same salary rate as the employee's previous position.

(2) Accepts a position at a lower salary grade than the employee's previous position shall be paid at the same rate as the previous position unless the salary rate exceeds the maximum of the new salary grade. When the salary rate exceeds the maximum of the salary grade, the employee's new salary rate shall be reduced to the maximum of the new salary grade.

(b) Subsection (a) of this section does not apply to vacancies which must be filled immediately to prevent work stoppage or the protection of the public health, safety, or security.

(c) If a State employee subject to this section:

(1) Applies for another position of State employment that would constitute a promotion and;

(2) Has substantially equal qualifications as an applicant who is not a State employee

then the State employee shall receive priority consideration over the applicant who is not a State employee. This priority consideration shall not apply when the only applicants considered for the vacancy are current State employees.

(c1) If a State employee who has been separated due to reduction in force or who has been given notice of imminent separation due to reduction in force:

(1) Applies for another position of State employment equal to or lower in salary grade than the position held by the employee at the time of notification or separation; and

(2) Is determined qualified for that position

then within ~~the separating agency,~~ all State agencies, the State employee shall receive priority consideration over all other applicants ~~including those who are current State employees not affected by the reduction in force. Within all other agencies, the State employee shall receive priority consideration over other applicants from outside State government,~~ but shall receive equal consideration with other applicants who are current State employees not affected by the reduction in force. This priority shall remain in effect for a period of 12 months from the date the employee receives notification of separation by reduction in force. State employees separated due to reduction in force shall receive higher priority than other applicants with employment or reemployment priorities, except that the reemployment priority created by G.S. 126–5(e)(1) shall be considered as equal. The ~~reduction in force~~ reduction–in–force priority created by this subsection shall be administered in accordance with rules promulgated by the State Personnel Commission.

(c2) If the applicants for reemployment for a position include current State employees, a State employee with more than 10 years of service shall receive priority consideration over a State employee having less than 10 years of service in the same or related position classification. This reemployment priority shall be given by all State departments, agencies, and institutions with regard to positions subject to this Chapter.

(d) 'Qualifications' within the meaning of subsection (c) of this section shall consist of:

(1) Training or education;

(2) Years of experience; and

(3) Other skills, knowledge, and abilities that bear a reasonable functional relationship to the abilities and skills required in the job vacancy applied for."

(b) This section becomes effective July 1, 1995.

Requested by: Representatives Sherrill, Pate, Thompson,
Senators Plyler, Perdue, Odom

ADDITIONAL STATE EMPLOYEE RIF RIGHTS/OPTIONS

Sec. 7.21. (a) G.S. 135–40.2(a) is amended by adding a new subdivision to read:

"(6) Notwithstanding the provisions of G.S. 135–40.11, employees formerly covered by the provisions of this section, other than retired employees, who have been employed for 12 or more months by an employing unit and whose jobs are eliminated because of a reduction, in total or in part, in the funds used to support the job or its responsibilities, provided the employees were covered by the Plan at the time of separation from service resulting from a job elimination. Employees covered by this subsection shall be covered for a period of up to 12 months following a separation from service because of a job elimination."

(b) G.S. 135–40.2(b)(5) reads as rewritten:

"(5) The spouses and eligible dependent children of enrolled employees, retirees, former employees covered by the provisions of G.S. 135–40.2(a)(6), and members of the General Assembly."

(c) G.S. 135–40.2(b) is amended by adding a new subdivision to read:

"(12) Notwithstanding the provisions of G.S. 135–40.11, former employees covered by the provisions of G.S. 135–40.2(a)(6), and their spouses and eligible dependent children who were covered by the Plan at the time of the former employees' separation from service pursuant to G.S. 135–40.2(a)(6), following expiration of the former employees' coverage provided by G.S. 135–40.2(a)(6)."

(d) This section becomes effective June 30, 1995.

Requested by: Senators Martin of Pitt, Warren, Kerr, Gulley, Representatives Ives, Lemmond, Culpepper

ASSIST VOLUNTEER SAFETY WORKERS

Sec. 7.21A. (a) Article 87 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"**§ 58–87–10. Workers' Compensation Fund for the benefit of volunteer safety workers.**

(a) Definition. — As used in this section, the term 'eligible unit' means a volunteer fire department or volunteer rescue/EMS unit that is not part of a unit of local government and is exempt from State income tax under G.S. 105–130.11.

(b) Creation. — The Workers' Compensation Fund is created in the Department of Insurance as an expendable trust fund. Accordingly, interest and other investment income earned by the Fund accrues to it, and revenue in the Fund at the end of a fiscal year remains in the Fund and does not revert.

(c) Use. — Revenue in the Workers' Compensation Fund shall be used to provide workers' compensation benefits to members of eligible units. Chapter 97 of the General Statutes governs the payment of benefits from the Fund. Benefits are payable for compensable injuries or deaths that occur on or after July 1, 1996.

(d) Administration. — The State Fire and Rescue Commission, established under G.S. 58–78–1, shall administer the Workers' Compensation Fund and shall perform this duty by contracting with a third–party administrator. The contracting procedure is not subject to Article 3C of Chapter 143 of the General Statutes. The reasonable and necessary expenses incurred by the Commission in administering the Fund shall be paid out of the Fund by the State Treasurer. The Commission may adopt rules to implement this section.

(e) Revenue Source. — Revenue is credited to the Workers' Compensation Fund from appropriations made to the Department of Insurance for this purpose. In addition, every eligible unit that elects to participate shall pay into the Fund an amount set annually by the State Fire and Rescue Commission to ensure that the Fund will be able to meet its payment obligations under this section. The amount shall be set as a *per capita* fixed dollar amount for each member of the roster of the eligible unit.

The payment shall be made to the State Fire and Rescue Commission on or before July 1 of each year. The Commission shall remit the payments it receives to the State Treasurer, who shall credit the payments to the Fund. If the Commission does not receive an annual payment from an eligible unit by July 1, then that unit shall not receive workers' compensation coverage from the Fund for the fiscal year that begins that July 1."

(b) The first per member payment that eligible fire departments and rescue/EMS units must make to the State Fire and Rescue Commission under G.S. 58–87–10 is payable on or before July 1, 1996.

(c) G.S. 58–78–5(a) is amended by adding a new subdivision to read:

"(16) To provide workers' compensation benefits under G.S. 58–87–10, to create a Volunteer Safety Workers' Compensation Board to assist it in performing this duty, and to reimburse the members of the Commission's Volunteer Safety Workers' Compensation Board in accordance with G.S. 138–5 for travel and subsistence expenses incurred by them."

(d) G.S. 58–86–35 reads as rewritten:

"**§ 58–86–35. Firemen's application for membership in fund; monthly payments by members; payments credited to separate accounts of members.**

Those firemen who are eligible pursuant to G.S. 58–86–25 may make application for membership to the board. Each fireman upon becoming a member of the fund shall pay the director of the fund the sum of ~~five~~ ten dollars ~~($5.00)~~ ($10.00) per month. The monthly payments shall be credited to the separate account of the member and shall be kept by the custodian so it is available for payment on withdrawal from membership or retirement."

(e) G.S. 58–86–40 reads as rewritten:

"**§ 58–86–40. Rescue squad worker's application for membership in funds; monthly payments by members; payments credited to separate accounts of members.**

Those rescue squad workers eligible pursuant to G.S. 58–86–30 may ~~make application~~ apply to the board for membership. ~~All persons who subsequently become rescue squad workers may make application for membership.~~ Each eligible rescue squad worker upon becoming a member shall pay the director of the fund the sum of ~~five~~ ten dollars ~~($5.00)~~ ($10.00) per month. ~~A rescue squad worker who, on the date of the establishment of the fund, has service as a rescue squad worker certified by the Department of State Treasurer, may make a lump sum payment of five dollars ($5.00) per month for each month of service as an eligible rescue squad worker as defined by G.S. 58–86–30, on or before December 31, 1983, for as many as 240 months together with interest at an annual rate of six percent (6%).~~ The

~~The~~ monthly payments shall be credited to the separate account of the member and shall be kept by the custodian so it is available for payment on withdrawal from membership or retirement."

(f) G.S. 58–86–45(b) reads as rewritten:

"(b) ~~Effective April 1, 1987, any~~ An eligible fireman or rescue squad worker who ~~has not reached his thirty–fifth birthday who is eligible and who~~ is not yet 35 years old and has not previously elected to become a member may ~~make application through~~ apply to the board of trustees for membership in the fund at any time. ~~The person shall~~ Upon becoming a member, the worker must make a lump sum payment of ~~five~~ ten dollars ~~($5.00)~~ ($10.00) per month retroactively to the time ~~he~~ the worker first became eligible to become a member, plus interest at an annual rate to be set by the board ~~of trustees,~~ for each year of ~~his~~ retroactive payments. Upon making this lump sum payment, the ~~person~~ worker shall be given credit for all prior service in the same manner as if ~~he~~ the worker had ~~made~~

~~application~~ applied for membership ~~at the time he first became~~ upon first becoming eligible. ~~Any~~

A member who ~~has not reached his thirty-fifth birthday~~ is not yet 35 years old, who ~~made application~~ applied for membership ~~subsequent to the time he was first eligible~~ after first becoming eligible, and who did not receive credit for prior service may receive credit for such the prior service upon making a lump sum payment of ~~five~~ ten dollars ~~($5.00)~~ ($10.00) ~~per~~ for each month since the worker first became eligible, ~~retroactively to the time he first became eligible,~~ plus interest at an annual rate to be set by the board ~~of trustees,~~ for each year of ~~his~~ retroactive payments. Upon making this lump sum payment, the date of membership shall be the same as if ~~he~~ the worker had ~~made application~~ applied for membership ~~at the time he was first~~ upon first becoming eligible."

(g) G.S. 58-86-55 reads as rewritten:

"§ **58-86-55. Monthly pensions upon retirement.**

Any member who has served 20 years as an 'eligible fireman' or 'eligible rescue squad worker' in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-86-30, and who has attained the age of 55 years is entitled to be paid a monthly pension from this fund. The monthly pension shall be in the amount of one hundred ~~ten~~ thirty-five dollars ~~($110.00)~~ ($135.00) per month. Any retired fireman receiving a pension of one hundred ten dollars ($110.00) per month shall, effective July 1, ~~1994,~~ 1995, receive a pension of one hundred ~~ten~~ thirty-five dollars ~~($110.00)~~ ($135.00) per month.

Members shall pay ~~five~~ ten dollars ~~($5.00)~~ ($10.00) per month as required by G.S. 58-86-35 and G.S. 58-86-40 for a period of no longer than 20 years. No 'eligible rescue squad member' shall receive a pension prior to July 1, 1983. No ~~person~~ member shall be entitled to a pension hereunder until ~~his~~ the member's official duties as a fireman or rescue squad worker for which ~~he~~ the member is paid compensation shall have been terminated and ~~he~~ the member shall have retired as such according to standards or rules fixed by the board of trustees.

~~Any~~ A member who is totally and permanently disabled while in the discharge of ~~his~~ the member's official duties as a result of bodily injuries sustained or as a result of extreme exercise or extreme activity experienced in the course and scope of ~~his~~ those official duties and who leaves the fire or rescue squad service because of this disability shall be entitled to be paid from the fund a monthly benefit in an amount of one hundred ~~ten~~ thirty-five dollars ~~($110.00)~~ ($135.00) per month beginning the first month after ~~his~~ the member's fifty-fifth birthday. All applications for disability are subject to the approval of the board who may appoint physicians to examine and evaluate the disabled member prior to approval of ~~his~~ the application, and annually thereafter. Any disabled member shall not be required to make the monthly payment of ~~five~~ ten dollars ~~($5.00)~~ ($10.00) as required by G.S. 58-86-35 and G.S. 58-86-40.

~~Any~~ A member who is totally and permanently disabled for any cause, other than line of duty, who leaves the fire or rescue squad service because of this disability and who has at least 10 years of service with the pension fund, may be permitted to continue making a monthly contribution of ~~five~~ ten dollars ~~($5.00)~~ ($10.00) to the fund until ~~he~~ the member has ~~paid into the fund the sum of one thousand two hundred dollars ($1,200).~~ made contributions for a total of 240 months. The member shall upon attaining the age of 55 years be entitled to receive a pension as provided by this section. All applications for disability are

subject to the approval of the board who may appoint physicians to examine and evaluate the disabled member prior to approval of ~~his~~ the application and annually thereafter.

~~Any~~ A member who, because his residence is annexed by a city under Part 2 or Part 3 of Article 4 of Chapter 160A of the General Statutes, or whose department is closed because of an annexation by a city under Part 2 or Part 3 of Article 4 of Chapter 160A of the General Statutes, and because of such annexation is unable to perform as a fireman of any status, and if the member has at least 10 years of service with the pension fund, may be permitted to continue making a monthly contribution of ~~five~~ ten dollars ~~($5.00)~~ ($10.00) to the fund until ~~he~~ the member has ~~paid into the fund the sum of one thousand two hundred dollars ($1,200).~~ made contributions for a total of 240 months. The member upon attaining the age of 55 years and completion of such contributions shall be entitled to receive a pension as provided by this section. Any application to make monthly contributions under this section shall be subject to a finding of eligibility by the Board of Trustees upon application of the member.

The pensions provided shall be in addition to all other pensions or benefits under any other statutes of the State of North Carolina or the United States, notwithstanding any exclusionary provisions of other pensions or retirement systems provided by law."

(h) G.S. 58–86–30 reads as rewritten:

"§ **58–86–30. 'Eligible rescue squad worker' defined; determination and certification of eligibility.**

'Eligible rescue squad worker' means ~~any~~ a person who is a member of a rescue or emergency medical services squad ~~who~~ that is eligible for membership in the North Carolina Association of Rescue and Emergency Medical Services, ~~Squads,~~ Inc., and who has attended a minimum of 36 hours of training and meetings in the last calendar year. Each rescue or emergency medical services squad ~~worker~~ eligible for membership in the North Carolina Association of Rescue and Emergency Medical Services, ~~Squads,~~ Inc., must file a roster certified by the secretary of the association of those rescue or emergency medical services squad workers meeting the ~~association~~ requirements of this section with the State Treasurer by January 1 of each calendar year.

'Eligible rescue squad worker' does not mean 'eligible fireman' as defined by G.S. 58–86–25, nor may an 'eligible rescue squad worker' qualify also as an 'eligible fireman' in order to receive double benefits available under this Article."

(i) The changes made to G.S. 58–86–45 and G.S. 58–86–55 by this Part do not affect the credit received for service performed before July 1, 1995. The increase in monthly pension contributions from five dollars ($5.00) to ten dollars ($10.00) in G.S. 58–86–55 does not affect the amount of monthly contributions made prior to July 1, 1995.

(j) The caption for Article 87 of Chapter 58 of the General Statutes reads as rewritten:

"ARTICLE 87.

"Volunteer ~~Fire Department and Rescue/EMS Funds.~~ Safety Workers Assistance."

(k) G.S. 58–87–1(b) reads as rewritten:

"(b) A fire department is eligible for a grant under this section ~~if:~~ if it meets all of the following conditions:

(1) It serves a response area of 6,000 or less ~~in population;~~ population.

(2) It ~~is all volunteer; and~~ has no more than two paid members and otherwise consists of volunteer members.

(3) It has been certified by the Department of Insurance.

In making the population determination under subdivision (1), the Department shall use the ~~latest decennial U.S. Census population data.~~ most recent annual population estimates certified by the State Planning Officer."

(l) G.S. 58-87-5(b) reads as rewritten:

"(b) A rescue or rescue/EMS unit is eligible for a grant under this section ~~if:~~ if it meets all of the following conditions:

(1) Repealed by Session Laws 1989 (Regular Session, 1990), c. 1066, s. 33(a), effective July 15, 1990.

(2) It ~~is all volunteer, except that the rescue or rescue/EMS unit may have paid members, not to exceed two positions, either full-time or part-time; and~~ has no more than two paid members and otherwise consists of volunteer members.

(3) It has been recognized by the Department as an organization that provides rescue or rescue and emergency medical ~~services; and~~ services.

(4) It satisfies the eligibility criteria established by the Department under subsection (a) of this section."

(m) The Legislative Research Commission shall study the issue of assistance to volunteer fire, rescue, and emergency medical service units to determine the types and amounts of assistance that are appropriate for the State and other levels of government. In conducting the study, the Commission may consider the funding sources for and uses of funds in the Firemen's Relief Fund established in Article 84 of Chapter 58 of the General Statutes, the North Carolina Firemen's and Rescue Squad Workers' Pension Fund established in Article 86 of Chapter 58 of the General Statutes, the Volunteer Fire Department Fund, the Volunteer Rescue/EMS Fund, and the Workers' Compensation Fund established in Article 87 of Chapter 58 of the General Statutes, and the Rescue Squad Workers' Relief Fund established in Article 88 of Chapter 58 of the General Statutes. The Commission shall make a final report to the 1996 Regular Session of the 1995 General Assembly.

(n) Subsections (d) through (i) of this section are effective July 1, 1995. The remainder of this section is effective upon ratification.

Requested by: Representatives Holmes, Creech, Esposito, McCombs, Senators Plyler, Perdue, Odom

1995 RETIREMENT BENEFITS ACT

Sec. 7.22. (a) G.S. 135-5 is amended by adding a new subsection to read:

"(zz) From and after July 1, 1995, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1994, shall be increased by two percent (2%) of the allowance payable on July 1, 1994, in accordance with G.S. 135-5(o). Furthermore, from and after July 1, 1995, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1994, but before June 30, 1995, shall be increased by a prorated amount of two percent (2%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1994, and June 30, 1995."

(b) G.S. 135-65 is amended by adding a new subsection to read:

"(p) From and after July 1, 1995, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1994, shall be increased by two percent (2%) of the allowance payable on July 1, 1994. Furthermore, from and after July 1, 1995, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1994, but before June 30, 1995, shall be increased by a prorated amount of two percent (2%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1994, and June 30, 1995."

(c) G.S. 120–4.22A is amended by adding a new subsection to read:

"(j) In accordance with subsection (a) of this section, from and after July 1, 1995, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before January 1, 1995, shall be increased by two percent (2%) of the allowance payable on January 1, 1995. Furthermore, from and after July 1, 1995, the retirement allowance to or on account of beneficiaries whose retirement commenced after January 1, 1995, but before June 30, 1995, shall be increased by a prorated amount of two percent (2%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between January 1, 1995, and June 30, 1995."

(d) G.S. 128–24(5) reads as rewritten:

"(5) The provisions of this subdivision (5) shall apply to any member whose membership is terminated on or after July 1, 1965, and who becomes entitled to benefits hereunder in accordance with the provisions hereof.

a. Notwithstanding any other provision of this Chapter, any member who separates from service prior to the attainment of the age of 60 years for any reason other than death or retirement for disability as provided in G.S. 128–27(c), after completing 15 or more years of creditable service, and who leaves his total accumulated contributions in said System shall have the right to retire on a deferred retirement allowance upon attaining the age of 60 years; provided that such member may retire only upon written application to the Board of Trustees setting forth at what time, not less than one day nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; and further provided that in the case of a member who so separates from service on or after July 1, 1967, the aforestated requirement of 15 or more years of creditable service shall be reduced to 12 or more years of creditable service; and further provided that in the case of a member who so separates from service on or after July 1, 1971, or whose account is active on July 1, 1971, the aforestated requirement of 12 or more years of creditable service shall be reduced to five or more years of creditable service. Such deferred retirement allowance shall be computed in accordance with the service retirement provisions of this Article pertaining to a member who is not a law enforcement officer or eligible former law enforcement officer.

b. In lieu of the benefits provided in paragraph a of this subdivision, any member who separates from service prior to the

attainment of the age of 60 years, for any reason other than death or retirement for disability as provided in G.S. 128–27(c), after completing 20 or more years of creditable service, and who leaves his total accumulated contributions in said System may elect to retire on an early retirement allowance upon attaining the age of 50 years or at any time thereafter; provided that such member may so retire only upon written application to the Board of Trustees setting forth at what time, not less than one day nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired. Such early retirement allowance so elected shall be equal to the deferred retirement allowance otherwise payable at the attainment of the age of 60 years reduced by the percentage thereof indicated below.

Age at Retirement	Percentage Reduction
59	7
58	14
57	20
56	25
55	30
54	35
53	39
52	43
51	46
50	50

b1. In lieu of the benefits provided in paragraphs a and b of this subdivision, any member who is a law enforcement officer at the time of separation from service prior to the attainment of the age of 50 years, for any reason other than death or disability as provided in this Article, after completing 15 or more years of creditable service in this capacity immediately prior to separation from service, and who leaves his total accumulated contributions in this System, may elect to retire on a deferred early retirement allowance upon attaining the age of 50 years or at any time thereafter; provided, that the member may commence retirement only upon written application to the Board of Trustees setting forth at what time, as of the first day of a calendar month, not less than one day nor more than 90 days subsequent to the execution and filing thereof, he desires to commence retirement. The deferred early retirement allowance shall be computed in accordance with the service retirement provisions of this Article pertaining to law enforcement officers.

b2. In lieu of the benefits provided in paragraphs a and b of this subdivision, any member who is a law enforcement officer at the time of separation from service prior to the attainment of the age of 55 years, for any reason other than death or disability as provided in this Article, after completing five or more years of creditable service in this capacity immediately prior to separation from service, and who leaves his total accumulated

contributions in this System may elect to retire on a deferred service retirement allowance upon attaining the age of 55 years or at any time thereafter; provided, that the member may commence retirement only upon written application to the Board of Trustees setting forth at what time, as of the first day of a calendar month not less than one day nor more than 90 days subsequent to the execution and filing thereof, he desires to commence retirement. The deferred service retirement allowance shall be computed in accordance with the service retirement provisions of this Article pertaining to law enforcement officers.

b3. Deferred retirement allowance of members retiring on or after July 1, 1995. — In lieu of the benefits provided in paragraphs a. and b. of this subdivision, any member who separates from service prior to attainment of age 60 years, after completing 20 or more years of creditable service, and who leaves his total accumulated contributions in said System, may elect to retire on a deferred retirement allowance upon attaining the age of 50 years or any time thereafter; provided that such member may so retire only upon written application to the Board of Trustees setting forth at what time, not less than one day nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired. Such deferred retirement allowance shall be computed in accordance with the service retirement provisions of this Article pertaining to a member who is not a law enforcement officer or an eligible former law enforcement officer.

c. Should a beneficiary who retired on an early or service retirement allowance be reemployed, or otherwise engaged to perform services, by an employer participating in the Retirement System on a part–time, temporary, interim, or on fee–for–service basis, whether contractual or otherwise, and if such beneficiary earns an amount in any calendar year which exceeds fifty percent (50%) of the reported compensation, excluding terminal payments, during the 12 months of service preceding the effective date of retirement, or twenty thousand dollars ($20,000), whichever is greater, as hereinafter indexed, then the retirement allowance shall be suspended as of the first day of the month following the month in which the reemployment earnings exceed the amount above, for the balance of the calendar year. The retirement allowance of the beneficiary shall be reinstated as of January 1 of each year following suspension. The amount that may be earned before suspension shall be increased on January 1 of each year by the ratio of the Consumer Price Index to the Index one year earlier, calculated to the nearest tenth of a percent (1/10 of 1%).

d. Should a beneficiary who retired on an early or service retirement allowance be restored to service as an employee, then the retirement allowance shall cease as of the first day of the month following the month in which the beneficiary is restored to service and the beneficiary shall become a member of the

Retirement System and shall contribute thereafter as allowed by law at the uniform contribution payable by all members.

Upon his subsequent retirement, he shall be paid a retirement allowance determined as follows:

1. For a member who earns at least three years' membership service after restoration to service, the retirement allowance shall be computed on the basis of his compensation and service before and after the period of prior retirement without restriction; provided, that if the prior allowance was based on a social security leveling payment option, the allowance shall be adjusted actuarially for the difference between the amount received under the optional payment and what would have been paid if the retirement allowance had been paid without optional modification.
2. For a member who does not earn three years' membership service after restoration to service, the retirement allowance shall be equal to the sum of the retirement allowance to which he would have been entitled had he not been restored to service, without modification of the election of an optional allowance previously made, and the retirement allowance that results from service earned since being restored to service; provided, that if the prior retirement allowance was based on a social security leveling payment option, the prior allowance shall be adjusted actuarially for the difference between the amount that would have been paid for each month had the payment not been suspended and what would have been paid if the retirement allowance had been paid without optional modification."

(e) G.S. 128–27 is amended by adding a new subsection to read:

(oo) From and after July 1, 1995, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1994, shall be increased by two percent (2%) of the allowance payable on July 1, 1994, in accordance with G.S. 128–27(k). Furthermore, from and after July 1, 1995, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1994, but before June 30, 1995, shall be increased by a prorated amount of two percent (2%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1994, and June 30, 1995."

(f) G.S 128–27(m) reads as rewritten:

"(m) Survivor's Alternate Benefit. — Upon the death of a member in service, the principal beneficiary designated to receive a return of accumulated contributions shall have the right to elect to receive in lieu thereof the reduced retirement allowance provided by Option two of subsection (g) above computed by assuming that the member had retired on the first day of the month following the date of his death, provided that all three of the following conditions apply:

~~(1) The member had attained such age and/or creditable service to be eligible to commence retirement with an early or service retirement allowance or had attained 20 years of creditable service.~~

(1) a. The member had attained such age and/or creditable service to be eligible to commence retirement with an early or service retirement allowance, or

b. The member had obtained 20 years of creditable service in which case the retirement allowance shall be computed in accordance with G.S. 128–27(b15)(1)b. or G.S. 128–27(b15)(2)c., notwithstanding the requirement of obtaining age 50.

(2) The member had designated as the principal beneficiary to receive a return of his accumulated contributions one and only one person who is living at the time of his death.

(3) The member had not instructed the Board of Trustees in writing that he did not wish the provisions of this subsection apply.

For the purpose of this benefit, a member is considered to be in service at the date of his death if his death occurs within 180 days from the last day of his actual service. The last day of actual service shall be determined as provided in subsection (l) of this section. Upon the death of a member in service, the surviving spouse may make all purchases for creditable service as provided for under this Chapter for which the member had made application in writing prior to the date of death, provided that the date of death occurred prior to or within 60 days after notification of the cost to make the purchase."

(g) This section becomes effective July 1, 1995.

Requested by: Representatives Barnes,
Senators Plyler, Perdue, Odom

SALARY RELATED CONTRIBUTIONS/CONFORM UNC OPTIONAL PLAN

Sec. 7.22A. Section 7.1(b) of Chapter 324 of the 1995 Session Laws reads as rewritten:

"(b) Effective July 1, 1995, the State's employer contribution rates budgeted for retirement and related benefits as a percentage of covered salaries for the 1995–96 fiscal year are (i) ten and eighty–three hundredths percent (10.83%) – Teachers and State Employees; (ii) fifteen and eighty–three hundredths percent (15.83%) – State Law Enforcement Officers; (iii) ~~nine and ten hundredths percent (9.10%)~~ nine and eighteen hundredths percent (9.18%) – University Employees' Optional Retirement Program; (iv) twenty–two and sixty–five hundredths percent (22.65%) – Consolidated Judicial Retirement System; and (v) twenty–three and twenty–seven hundredths percent (23.27%) – Legislative Retirement System. Each of the foregoing contribution rates includes two percent (2%) for hospital and medical benefits. The rate for State Law Enforcement Officers includes five percent (5%) for the Supplemental Retirement Income Plan. The rates for Teachers and State Employees, State Law Enforcement Officers, and for the University Employees' Optional Retirement Program includes fifty–two hundredths percent (0.52%) for the Disability Income Plan."

Requested by: Representatives Pate, Russell, Sherrill, Easterling,
Senators Plyler, Perdue, Odom

FURTHER 1995 RETIREMENT BENEFITS

Sec. 7.23. (a) G.S. 135–5(b15) reads as rewritten:

"(b15) Service Retirement Allowance of Members Retiring on or after July 1, ~~1994.~~ 1994, but before July 1, 1995. — Upon retirement from service in

accordance with subsection (a) or (a1) above, on or after July 1, 1994, but before July 1, 1995, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and seventy–three hundredths percent (1.73%) of his average final compensation, multiplied by the number of years of his creditable service.

b. If the member's service retirement date occurs on or after his 50th birthday and before his 55th birthday with 15 or more years of creditable service as a law enforcement officer and prior to the completion of 30 years of creditable service, his retirement allowance shall be equal to the greater of:

1. The service retirement allowance payable under G.S. 135–5(b15)(1)a. reduced by one–third of one percent (1/3 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following the month the member would have attained his 55th birthday; or

2. The service retirement allowance as computed under G.S. 135–5(b15)(1)a. reduced by five percent (5%) times the difference between 30 years and his creditable service at retirement.

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and seventy–three hundredths percent (1.73%) of his average final compensation, multiplied by the number of years of creditable service.

b. If the member's service retirement date occurs after his 60th and before his 65th birthday and prior to his completion of 25 years or more of creditable service, his retirement allowance shall be computed as in G.S. 135–5(b15)(2)a. but shall be reduced by one–quarter of one percent (1/4 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his 65th birthday.

c. If the member's early service retirement date occurs on or after his 50th birthday and before his 60th birthday and after completion of 20 years of creditable service but prior to the completion

of 30 years of creditable service, his early service retirement allowance shall be equal to the greater of:

1. The service retirement allowance as computed under G.S. 135-5(b15)(2)a. but reduced by the sum of five-twelfths of one percent (5/12 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following the month the member would have attained his 60th birthday, plus one-quarter of one percent (1/4 of 1%) thereof for each month by which his 60th birthday precedes the first day of the month coincident with or next following his 65th birthday; or
2. The service retirement allowance as computed under G.S. 135-5(b15)(2)a. reduced by five percent (5%) times the difference between 30 years and his creditable service at retirement; or
3. If the member's creditable service commenced prior to July 1, 1994, the service retirement allowance provided by G.S. 135-5(b14)(2)c.

d. Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1963, shall not receive less than the benefit provided by G.S. 135-5(b)."

(b) G.S. 135-5 is amended by adding a new subsection to read:

"(b16) Service Retirement Allowance of Members Retiring on or After July 1, 1995. — Upon retirement from service in accordance with subsection (a) or (a1) above, on or after July 1, 1995, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and seventy-five hundredths percent (1.75%) of his average final compensation, multiplied by the number of years of his creditable service.

b. If the member's service retirement date occurs on or after his 50th birthday and before his 55th birthday with 15 or more years of creditable service as a law enforcement officer and prior to the completion of 30 years of creditable service, his retirement allowance shall be equal to the greater of:

1. The service retirement allowance payable under G.S. 135-5(b16)(1)a. reduced by one-third of one percent (1/3 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following the month the member would have attained his 55th birthday; or
2. The service retirement allowance as computed under G.S. 135-5(b16)(1)a. reduced by five percent (5%) times the

difference between 30 years and his creditable service at retirement.

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and seventy-five hundredths percent (1.75%) of his average final compensation, multiplied by the number of years of creditable service.

b. If the member's service retirement date occurs after his 60th and before his 65th birthday and prior to his completion of 25 years or more of creditable service, his retirement allowance shall be computed as in G.S. 135-5(b16)(2)a. but shall be reduced by one-quarter of one percent (1/4 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his 65th birthday.

c. If the member's early service retirement date occurs on or after his 50th birthday and before his 60th birthday and after completion of 20 years of creditable service but prior to the completion of 30 years of creditable service, his early service retirement allowance shall be equal to the greater of:

1. The service retirement allowance as computed under G.S. 135-5(b16)(2)a. but reduced by the sum of five-twelfths of one percent (5/12 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following the month the member would have attained his 60th birthday, plus one-quarter of one percent (1/4 of 1%) thereof for each month by which his 60th birthday precedes the first day of the month coincident with or next following his 65th birthday; or

2. The service retirement allowance as computed under G.S. 135-5(b16)(2)a. reduced by five percent (5%) times the difference between 30 years and his creditable service at retirement; or

3. If the member's creditable service commenced prior to July 1, 1994, the service retirement allowance equal to the actuarial equivalent of the allowance payable at the age of 60 years as computed in G.S. 135-5(b16)(2)b.

d. Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1963, shall not receive less than the benefit provided by G.S. 135-5(b)."

(c) G.S. 128-27(b14) reads as rewritten:

"(b14) Service Retirement Allowance of Members Retiring on or after July 1, ~~1994.~~ 1994, but before July 1, 1995. — Upon retirement from service in

accordance with subsection (a) or (a1) above, on or after July 1, 1994, but before July 1, 1995, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and seventy-one hundredths percent (1.71%) of his average final compensation, multiplied by the number of years of his creditable service.

b. This allowance shall also be governed by the provisions of G.S. 128-27(b8)(2).

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and seventy-one hundredths percent (1.71%) of his average final compensation, multiplied by the number of years of creditable service.

b. This allowance shall also be governed by the provisions of G.S. 128-27(b7)(2a), (2b), and (3)."

(d) G.S. 128-27 is amended by adding a new subsection to read:

"(b15) Service Retirement Allowance of Members Retiring on or After July 1, 1995. — Upon retirement from service in accordance with subsection (a) or (a1) above, on or after July 1, 1995, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and seventy-two hundredths percent (1.72%) of his average final compensation, multiplied by the number of years of his creditable service.

b. If the member's service retirement date occurs on or after his 50th birthday and before his 55th birthday with 15 or more years of creditable service as a law enforcement officer and prior to the completion of 30 years of creditable service, his retirement allowance shall be equal to the greater of:

1. The service retirement allowance payable under G.S. 128-27(b15)(1)a. reduced by one-third of one percent (1/3

of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following the month the member would have attained his 55th birthday; or

2. The service retirement allowance as computed under G.S. 128-27(b15)(1)a. reduced by five percent (5%) times the difference between 30 years and his creditable service at retirement.

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and seventy-two hundredths percent (1.72%) of his average final compensation, multiplied by the number of years of creditable service.

b. If the member's service retirement date occurs after his 60th and before his 65th birthday and prior to his completion of 25 years or more of creditable service, his retirement allowance shall be computed as in G.S. 128-27(b15)(2)a. but shall be reduced by one-quarter of one percent (1/4 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his 65th birthday.

c. If the member's early service retirement date occurs on or after his 50th birthday and before his 60th birthday and after completion of 20 years of creditable service but prior to the completion of 30 years of creditable service, his early service retirement allowance shall be equal to the greater of:

1. The service retirement allowance as computed under G.S. 128-27(b15)(2)a. but reduced by the sum of five-twelfths of one percent (5/12 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following the month the member would have attained his 60th birthday, plus one-quarter of one percent (1/4 of 1%) thereof for each month by which his 60th birthday precedes the first day of the month coincident with or next following his 65th birthday; or

2. The service retirement allowance as computed under G.S. 128-27(b15)(2)a. reduced by five percent (5%) times the difference between 30 years and his creditable service at retirement; or

3. If the member's creditable service commenced prior to July 1, 1995, the service retirement allowance equal to the actuarial equivalent of the allowance payable at the age of 60 years as computed in G.S. 128-27(b15)(2)b.

d. Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1965, shall not receive less than the benefit provided by G.S. 128-27(b)."

Requested by: Senators Plyler, Perdue, Odom,
Representatives Holmes, Creech, Esposito

ADDITIONAL RETIREMENT BENEFITS

Sec. 7.23A. (a) G.S. 135-5(m) reads as rewritten:

"(m) Survivor's Alternate Benefit. — Upon the death of a member in service, the principal beneficiary designated to receive a return of accumulated contributions shall have the right to elect to receive in lieu thereof the reduced retirement allowance provided by Option 2 of subsection (g) above computed by assuming that the member had retired on the first day of the month following the date of his death, provided that the following conditions apply:

(1) a. The member had attained such age and/or creditable service to be eligible to commence retirement with an early or service retirement allowance, or

b. The member had obtained 20 years of creditable service in which case the retirement allowance shall be computed in accordance with ~~G.S. 135-5(b15)(1)b.~~ G.S. 135-5(b16)(1)b. or ~~G.S. 135-5(b15)(2)c.,~~ G.S. 135-5(b16)(2)c., notwithstanding the requirement of obtaining age 50.

(2) The member had designated as the principal beneficiary to receive a return of his accumulated contributions one and only one person who was living at the time of his death.

(3) The member had not instructed the Board of Trustees in writing that he did not wish the provisions of this subsection to apply.

For the purpose of this benefit, a member is considered to be in service at the date of his death if his death occurs within 180 days from the last day of his actual service. The last day of actual service shall be determined as provided in subsection (l) of this section. Upon the death of a member in service, the surviving spouse may make all purchases for creditable service as provided for under this Chapter for which the member had made application in writing prior to the date of death, provided that the date of death occurred prior to or within 60 days after notification of the cost to make the purchase. The term "in service" as used in this subsection includes a member in receipt of a benefit under the Disability Income Plan as provided in Article 6 of this Chapter."

(b) G.S. 135-5 is amended by adding a new subsection to read:

"(aaa) Increase in Allowance as to Persons on Retirement Rolls as of June 1, 1995. — From and after July 1, 1995, the retirement allowance to or on account of beneficiaries on the retirement rolls as of June 1, 1995, shall be increased by one and two-tenths of one percent (1.2%) of the allowance payable on June 1, 1995. This allowance shall be calculated on the allowance payable and in effect on June 30, 1995, so as not to be compounded on any other increase granted by act of the 1995 General Assembly."

(c) G.S. 128-27 is amended by adding two new subsections to read:

"(pp) Increase in Allowance as to Persons on Retirement Rolls as of June 1, 1995. — From and after July 1, 1995, the retirement allowance to or on account of beneficiaries on the retirement rolls as of June 1, 1995, shall be increased by six-tenths of one percent (0.6%) of the allowance payable on June 1, 1995. This

allowance shall be calculated on the allowance payable and in effect on June 30, 1995, so as not to be compounded on any other increase payable under subsection (k) of this section or otherwise granted by act of the 1995 General Assembly.

(qq) From and after July 1, 1995, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1993, shall be increased by seven-tenths of one percent (0.7%) of the allowance payable on July 1, 1993, in accordance with G.S. 128-27(k). Furthermore, from and after July 1, 1995, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1993, but before June 30, 1994, shall be increased by a prorated amount of seven-tenths of one percent (0.7%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1993, and June 30, 1994."

Requested by: Senators Warren, Plyler, Perdue, Odom

RESTORE THE PROVISION FOR PURCHASE OF OUT-OF-STATE SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM

Sec. 7.23D. (a) G.S. 128-26 is amended by adding a new subsection to read:

"(j2) Notwithstanding any other provision of this Chapter, any member and any retired member as herein described may purchase creditable service previously rendered to any state, territory, or other governmental subdivision of the United States other than this State by paying a total lump-sum payment determined as follows:

(1) For members who completed 10 years of prior and current membership service, and retired members who completed 10 years of prior and current membership service prior to retirement, and whose current membership began on or before January 1, 1988, and who make such purchase within three years after first becoming eligible, the cost shall be an amount equal to the monthly compensation the member earned when he first entered current membership service, times the employee contribution rate at that time, times the months of service to be purchased, times two, with sufficient interest added thereto so as to equal the full cost of allowing such service, plus an administrative fee to be set by the Board of Trustees.

(2) For members who complete five years of prior and current membership service, and retired members who complete five years of prior and current membership service prior to retirement, and eligible members and retired members covered by subdivision (1) of this subsection, whose current membership began on or before January 1, 1988, but who did not or do not make such purchase within three years after first becoming eligible, the cost shall be an amount equal to the full liability of the service credits calculated on the basis of the assumptions used for the purposes of the actuarial valuation of the System's liabilities and shall take into account the retirement allowance arising on account of the additional service credits commencing at the earliest age at which the member could retire on an unreduced allowance, as determined by the Board of Trustees upon the advice of the consulting actuary, plus an administrative fee to be set by the Board of Trustees. Notwithstanding the foregoing provisions of this

subsection that provide for the purchase of service credits, the term 'full liability' includes assumed postretirement allowance increases, as determined by the Board of Trustees, from the earliest age at which a member could retire on an unreduced service retirement allowance. Creditable service under this subsection shall be allowed only at the rate of one year of out-of-state service for each two years of service in this State, with a maximum allowable of 10 years of out-of-state service. Such service is limited to full-time service which would be allowable under the laws governing this System. Credit will be allowed only if no benefit is allowable in another public retirement system as a result of the service."

(b) G.S. 135-4 is amended by adding a new subsection to read:

"(l1) Notwithstanding any other provision of this Chapter, any member and any retired member as herein described may purchase creditable service previously rendered to any state, territory, or other governmental subdivision of the United States other than this State by paying a total lump-sum payment determined as follows:

(1) For members who completed 10 years of membership service, and retired members who completed 10 years of membership service prior to retirement, whose current membership began on or before July 1, 1981, and who make such purchase within three years after first becoming eligible, the cost shall be an amount equal to the monthly compensation the member earned when he first entered current membership service, times the employee contribution rate at that time, times the months of service to be purchased, times two, with sufficient interest added thereto so as to equal the full cost of allowing such service, plus an administrative fee to be set by the Board of Trustees.

(2) For members who complete five years of membership service, and retired members who complete five years of membership service prior to retirement, and eligible members and retired members covered by subdivision (1) of this subsection, whose current membership began on or before July 1, 1981, but who did not or do not make such purchase within three years after first becoming eligible, the cost shall be an amount equal to the full liability of the service credits calculated on the basis of the assumptions used for the purposes of the actuarial valuation of the System's liabilities and shall take into account the retirement allowance arising on account of the additional service credits commencing at the earliest age at which the member could retire on an unreduced allowance, as determined by the Board of Trustees upon the advice of the consulting actuary, plus an administrative fee to be set by the Board of Trustees. Notwithstanding the foregoing provisions of this subsection that provide for the purchase of service credits, the term 'full liability' includes assumed postretirement allowance increases, as determined by the Board of Trustees, from the earliest age at which a member could retire on an unreduced service retirement allowance.

Creditable service under this subsection shall be allowed only at the rate of one year of out-of-state service for each two years of current membership service in this State, with a maximum allowable of 10 years of out-of-state service. Such service is limited to full-time service which would be allowable under the laws

governing this System. Credit will be allowed only if no benefit is allowable in another public retirement system as a result of the service."

Requested by: Representatives Creech, Holmes, Esposito,
Senators Plyler, Perdue, Odom

STATE EMPLOYEE HEALTH BENEFIT PLAN/ INCREASED WELLNESS BENEFITS

Sec. 7.24. (a) G.S. 135–40.5 is amended by adding two new subsections to read:

"(e) Routine Diagnostic Examinations. — The Plan will pay one hundred percent (100%) of allowable charges for routine diagnostic examinations and tests, including Pap smears, breast, colon, rectal, and prostate exams, X rays, mammograms, blood and blood pressure checks, urine tests, tuberculosis tests, and general health checkups that are medically necessary for the maintenance and improvement of individual health but no more often than once every three years for covered individuals to age 40 years, once every two years for covered individuals to age 50 years, and once a year for covered individuals age 50 years and older, unless a more frequent occurrence is warranted by a medical condition when such charges are incurred in a medically supervised facility. Provided, however, that charges for such examinations and tests are not covered by the Plan when they are incurred to obtain or continue employment, to secure insurance coverage, to comply with legal proceedings, to attend schools or camps, to meet travel requirements, to participate in athletic and related activities, or to comply with governmental licensing requirements. The maximum amount payable under this subsection for a covered individual is one hundred fifty dollars ($150.00) per fiscal year.

(f) Immunizations. — The Plan will pay one hundred percent (100%) of allowable charges for immunizations for the prevention of contagious diseases as generally accepted medical practices would dictate when directed by an attending physician."

(b) G.S. 135–40.6(8)s. reads as rewritten:

"s. Routine Diagnostic Examinations: Allowable charges for routine diagnostic examinations and tests, including Pap smears, breast, colon, rectal, and prostate exams, X rays, mammograms, blood and blood pressure checks, urine tests, tuberculosis tests, and general health checkups that are medically necessary for the maintenance and improvement of individual health but no more often than once every three years for covered individuals to age 40 years, once every two years for covered individuals to age ~~55~~ 50 years, and once a year for covered individuals age ~~55~~ 50 years and older, unless a more frequent occurrence is warranted by a medical condition when such charges are incurred in a medically supervised facility. Provided, however, that charges for such examinations and tests are not covered by the Plan when they are incurred to obtain or continue employment, to secure insurance coverage, to comply with legal proceedings, to attend schools or camps, to meet travel requirements, to participate in athletic and related activities or to comply with governmental licensing requirements. ~~The maximum amount payable under this subdivision is one hundred fifty dollars ($150.00) per fiscal year.~~"

(c) G.S. 135–40.6(8)t. is repealed.

Requested by: Representatives Creech, Holmes, Esposito,
Senators Plyler, Perdue, Odom

STATE EMPLOYEE HEALTH BENEFIT PLAN/
INCREASED LIFETIME BENEFIT

Sec. 7.25. Effective January 1, 1994, G.S. 135–40.9 reads as rewritten:

"**§ 135–40.9. Maximum benefits.**

The maximum lifetime benefit for each covered individual will be ~~one million dollars ($1,000,000).~~ two million dollars ($2,000,000)."

Requested by: Representatives Creech, Holmes, Esposito,
Senators Plyler, Perdue, Odom

STATE EMPLOYEE HEALTH BENEFIT PLAN/
ORAL SURGERY BENEFITS

Sec. 7.26. G.S. 135–40.6(8)f. reads as rewritten:

"f. Dental Services: Oral surgery, including extraction of teeth, necessitated because of medical treatment. Dental surgery and appliances for mouth, jaw, and tooth restoration necessitated because of external violent and accidental means, such as the impact of moving body, vehicle collision, or fall occurring while an individual is covered under G.S. 135–40.3. No benefits are provided in connection with injury incurred in the act of chewing, nor for damage or breakage of an appliance such as bridge or denture being cleaned or otherwise not in normal mouth usage at the time of accident, nor for appliances for orthodontic treatment when a class of malocclusion, other than orthognathic, or cross bite has been diagnosed. Benefits for temporomandibular joint (TMJ) dysfunction appliance therapy are limited to cases where the TMJ dysfunction has been diagnosed as solely resulting from accidental means as certified by the attending practitioner and approved by the Claims Processor.

Benefits shall include extractions, fillings, crowns, bridges, or other necessary therapeutic and restorative techniques and appliances to reasonably restore condition and function to that existing immediately prior to the accident. Injury or breakage of existing appliances such as bridges and dentures is limited to repair of such appliances unless certified as damaged beyond repair."

Requested by: Representatives Creech, Holmes, Esposito,
Senators Plyler, Perdue, Odom

STATE EMPLOYEE HEALTH BENEFIT PLAN/
WAIVER OF INPATIENT HOSPITAL CERTIFICATION PENALTY

Sec. 7.27. G.S. 135–40.6(2)f. reads as rewritten:

"f. Prior to admission for scheduled inpatient hospitalization, the admitting physician shall contact the Plan and secure approval certification for an inpatient admission, including a length of stay, based upon clinical criteria established by the medical community, before any in–hospital benefits are allowed under

G.S. 135–40.8(a). Immediately following an emergency or unscheduled inpatient hospitalization, the admitting physician shall contact the Plan and secure approval certification for the admission's length of stay before any in–hospital benefits are allowed under G.S. 135–40.8(a). Effective January 1, 1987, failure to secure certification, or denial of certification, shall result in in–hospital benefits being allowed at the rate maximum amount of out–of–pocket expenses established by G.S. 135–40.8(b). Denial of certification by the Plan shall be made only after contact with the admitting physician and shall be subject to appeal to the Executive Administrator and Board of Trustees. Inpatient hospital admission and length of stay certifications required by this subdivision do not apply to inpatient admissions outside of the United States. While approval certification for inpatient admissions is required to be initiated by the admitting physician, the employee or individual covered by the Plan shall be responsible for insuring that the required certification is secured. Failure to secure certification for inpatient hospitalization shall not result in a penalty to the employee or individual when approval would have been given if requested."

Requested by: Representatives Creech, Holmes, Esposito, Senators Plyler, Perdue, Odom

STATE EMPLOYEE HEALTH BENEFIT PLAN/ RETIREE PREMIUMS BASED ON RETIREMENT SERVICE CREDIT

Sec. 7.28. (a) G.S. 135–40.2(a)(2) reads as rewritten:

"(2) Retired teachers, State employees, members of the General Assembly, and retired State law enforcement officers who retired under the Law Enforcement Officers' Retirement System prior to January 1, 1985. For employees first hired on and after October 1, 1995, and members of the General Assembly first taking office on and after October 1, 1995, future coverage as retired employees and retired members of the General Assembly is subject to a requirement that the future retiree have 20 or more years of retirement service credit in order to be covered by the provisions of this subdivision."

(b) G.S. 135–40.2 is amended by adding a new subsection to read:

"(a1) The following persons shall be eligible for coverage under the Plan, on a partially contributory basis, subject to the provisions of G.S. 135–40.3:

(1) Retired teachers, State employees, and members of the General Assembly with 10 but less than 20 years of retirement service credit, provided they were first hired or took office on or after October 1, 1995. For such future retirees, the State shall pay fifty percent (50%) of the Plan's total noncontributory premiums. Individual retirees shall pay the balance of the total noncontributory premiums not paid by the State."

(c) G.S. 135–40.2(b) is amended by adding a new subdivision to read:

"(11) Retired teachers, State employees, and members of the General Assembly with less than 10 years of retirement service credit, provided they were first hired or took office on or after October 1, 1995."

Requested by: Senators Plyler, Perdue, Odom

STATE EMPLOYEE HEALTH BENEFIT PLAN/ INCREASED CHIROPRACTIC BENEFITS

Sec. 7.28B. G.S. 135–40.6(8)n. reads as rewritten:

"n. Chiropractic Services: Limited to the alignment of the spine and releasing of pressure by manipulation in accordance with the definitions in G.S. 90–143. Maximum benefits for x–rays, manipulations, and modalities shall be ~~one thousand dollars ($1,000)~~ two thousand dollars ($2,000) per fiscal year."

Requested by: Senators Plyler, Perdue, Odom, Representatives Holmes, Creech, Esposito

LRC STUDY CIVILIANIZATION

Sec. 7.29. Section 8.3 of Chapter 324 of the 1995 Session Laws reads as rewritten:

"Sec. 8.3. The Legislative Research Commission may study issues related to civilianizing certain State government law enforcement functions and positions, including the appropriate use of nonsworn, noncertified personnel in positions for which sworn status is not cost–effective or required. This study shall include the recommendations made by the Government Performance Audit Committee on civilianization to the 1993 General Assembly.

The Legislative Research Commission may study what positions should be included in the salary continuation provisions of G.S. 143–166.13(a).

The Legislative Research Commission may make an interim report, including any legislative recommendations, to the 1995 General Assembly, Regular Session 1996, and shall make a final report, including any legislative recommendations, to the 1997 General Assembly."

PART 8. GENERAL ASSEMBLY

Requested by: Representatives Gardner, Hayes, Nye, Senators Martin of Guilford, Forrester

BLUE RIBBON TASK FORCE ON THE MENTAL HEALTH SYSTEM

Sec. 8.1. (a) If the Mental Health Study Commission is not reauthorized by the 1995 General Assembly, Regular Session 1995, there is established in the General Assembly a Blue Ribbon Task Force on the Mental Health System. This task force shall study systemwide issues affecting the development, administration, and delivery of mental health services, including issues relating to the governance, accountability, and quality of services delivered.

(b) This Blue Ribbon Task Force on the Mental Health System shall be composed of 11 members appointed as follows:

(1) Four members of the House of Representatives at the time of their appointment, appointed by the Speaker of the House of Representatives;

(2) Four members of the Senate at the time of their appointment, appointed by the President *Pro Tempore* of the Senate;

(3) One member of Coalition 2001, appointed by the Governor;

(4) One member of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, appointed by the Secretary of the Department of Human Resources; and

(5) One member of the Department of Insurance, appointed by the Commissioner of Insurance.

The Speaker of the House of Representatives and the President *Pro Tempore* of the Senate shall each select a legislative member from their appointments to serve as cochair of the task force. Meetings shall be called at the will of the cochairs.

All members shall serve at the will of their appointing officer. Unless removed or unless resigning, members shall serve until the task force has made its report. Vacancies in membership shall be filled by the appropriate appointing officer.

(c) The Blue Ribbon Task Force on the Mental Health System may contract for consultant services as provided by G.S. 120–32.02. Upon approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign professional and clerical staff to assist in the work of the task force. The professional staff shall include the appropriate staff from the Fiscal Research, Research, and Legislative Drafting Divisions of the Legislative Services Office of the General Assembly. Clerical staff shall be furnished to the task force through the offices of House of Representatives and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the task force. The task force may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The task force, while in the discharge of official duties, may exercise all the powers provided under the provisions of G.S. 120–19 through G.S. 120–19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information and any data within their possession or ascertainable from their records, and the power to subpoena witnesses.

Members of the task force shall receive *per diem*, subsistence, and travel allowances as follows:

(1) Task force members who are members of the General Assembly, at the rate established in G.S. 120–3.1;

(2) Task force members who are officials or employees of the State or of local government agencies, at the rate established in G.S. 138–6; and

(3) All other task force members, at the rate established in G.S. 138–5.

(d) The Blue Ribbon Task Force shall report the results of its study, together with any legislative proposals and cost analyses, to the 1995 General Assembly, Regular Session 1996, within a week of its convening.

Requested by: Representatives Ives, Lemmond,
Senator Warren

CONFIDENTIALITY OF DOCUMENTS USED TO PREPARE FISCAL NOTES

Sec. 8.2. G.S. 120–131.1(a) as enacted by Section 8.1 of Chapter 324 of the 1995 Session laws reads as rewritten:

"(a) A request made to an employee of a State agency other than the General Assembly by an employee of the Fiscal Research Division for assistance in the preparation of a fiscal note is confidential. An employee of a State agency other than the General Assembly who receives such a request or who learns of such a request made to another employee of his or her agency shall reveal the existence of the request only to other employees of the agency to the extent that it is necessary to respond to the request, and to the employee's supervisor and to the Office of State Budget and Management. All documents prepared by the

employee in response to the request of the Fiscal Research Division are also confidential and shall be kept confidential in the same manner as the original ~~request.~~ request, except that documents submitted to the Fiscal Research Division in response to the request cease to be confidential under this section when the Fiscal Research Division releases a fiscal note based on the documents."

Requested by: Representatives Ives, Lemmond, Culpepper, Senators Warren, Gulley

REVIEW GENERAL FUND FINANCIAL MODEL

Sec. 8.3. Of the funds appropriated in this act to the General Assembly, the sum of thirty-five thousand dollars ($35,000) for the 1995-96 fiscal year shall be used to conduct a review of the General Fund Financial Model. The review shall be coordinated by the Fiscal Research Division of the Legislative Services Office, and shall be completed on or before February 1, 1996.

Requested by: Senators Martin of Pitt, Jordan, Kerr, Representatives Mitchell, Weatherly

STUDY JOB TRAINING PROGRAMS

Sec. 8.5. (a) There is created the Joint Legislative Study Commission on Job Training Programs. The purpose of the Commission is to review State and federally funded job training programs currently in existence to determine the feasibility of eliminating or consolidating those which are duplicative, inefficient, or ineffective in carrying out their purposes and activities.

(b) The Commission shall consist of six members of the House of Representatives appointed by the Speaker of the House of Representatives and six members of the Senate appointed by the President *Pro Tempore* of the Senate. Members shall serve for the duration of the 1995-97 Session. Upon delivering its final report to the 1997 General Assembly the Commission shall expire. Vacancies on the Commission shall be filled by the appointing authority. The President *Pro Tempore* of the Senate and the Speaker of the House of Representatives shall each appoint one member to serve as cochair of the Commission.

(c) The Commission shall have the following powers and duties:

(1) To review State and federal laws, rules, and regulations pertaining to job training programs to determine the purpose of each program, the population served, and each program's annual outcomes in terms of type of training received, work search efforts, and job placement;

(2) To ascertain as far as possible the intention of the United States Congress with respect to continued funding of federally mandated job training programs, and any changes in funding formulae;

(3) To review the amount of State and federal dollars appropriated for each job training program conducted in this State, and to review federal requirements for continuous federal funding of the programs;

(4) To review the number of different State agencies that administer State and federal job training programs, the number of persons employed to implement each job training program, and the amount of State dollars needed annually to implement the program;

(5) To determine whether federally funded job training programs in this State may lawfully be abolished or reduced in size by the General Assembly, and the impact of such reduction or elimination;

(6) To conduct public hearings to receive citizen, State agency, and local government comment and experience with the job training programs;

(7) To conduct other studies or activities to aid the Commission in carrying out its purpose and duties; and

(8) To ensure program evaluation and accountability for all workforce development programs and to create a comprehensive statewide focus on workforce development

(d) The Commission shall make an interim report on its progress to the 1995 General Assembly, the Joint Legislative Commission on Governmental Operations, and the Joint Legislative Education Oversight Committee not later than May 1, 1996, and shall present its final report of findings and recommendations to the 1997 General Assembly, the Joint Legislative Commission on Governmental Operations, and the Joint Legislative Education Oversight Committee, upon its convening. The report shall identify each job training program operating in this State as of January 1, 1995, and shall recommend whether each program should be expanded, continued without change, abolished, consolidated with another program, or otherwise modified.

(e) Members of the Commission shall serve without pay but shall receive *per diem* and substance in accordance with Chapter 120 of the General Statutes. The facilities of the State Legislative Building and any other State office building used by the General Assembly shall be available to the Commission for its use.

(f) The Commission may use available clerical employees of the General Assembly, with the approval of the Legislative Services Commission. The Commission may, with the consent of the Legislative Services Commission, use employees of the Fiscal Research, Legislative Automated Systems, General Research, Legislative Drafting, and Public Information Divisions of the Legislative Services Commission.

(g) Notwithstanding G.S. 96–5(f), there is appropriated from the Worker Training Trust Fund to the General Assembly the sum of twenty–five thousand dollars ($25,000) for the 1995–96 fiscal year and the sum of twenty–five thousand dollars ($25,000) for the 1996–97 fiscal year to implement this section.

PART 9. OFFICE OF THE GOVERNOR

Requested by: Representatives Ives, Lemmond, Culpepper, Senators Warren, Gulley

TOTAL QUALITY MANAGEMENT PROGRAM

Sec. 9. For the 1995–96 fiscal year only, the provisions of G.S. 143–16.3 do not apply to the Total Quality Management Program in the Office of the Governor.

PART 10. OFFICE OF STATE BUDGET AND MANAGEMENT

Requested by: Representatives Ives, Lemmond, Senator Warren

LOCAL FIRE PROTECTION FUNDS

Sec. 10. The Office of State Budget and Management, in conjunction with the State Property Office, Department of Administration, shall study the current fire protection grant process. The Office of State Budget and Management shall report to the 1995 General Assembly, 1996 Regular Session, regarding its findings and recommendations.

In its study the Office of State Budget and Management and the State Property Office shall consider, but are not limited to, the following:

(1) Fire protection grant history by political subdivision;
(2) Inequities in the current grant process;
(3) Impact of declining proportional shares on a fixed appropriation;
(4) Improvements that could be made to the grant process, including:
   a. An allocation based on current property values;
   b. A method of updating property values over time; and
   c. The recognition of fire protection funding requirements for new facilities.

Requested by: Senators Perdue, Martin of Pitt, Plyler, Odom, Rand, Jordan, Kerr,
Representatives Mitchell, Weatherly

OSBM STUDY STATE-OWNED AIRCRAFT MODIFIED

Sec. 10.1. Section 10.4 of Chapter 324 of the 1995 Session Laws reads as rewritten:

"Sec. 10.4. The Office of State Budget and Management shall study the use of State-owned ~~aircraft~~ aircraft, including associated and ancillary equipment such as aerial photographic cameras and related mapping services using instruments such as stereoplotters, and shall report the results of its study to the Joint Legislative Commission on Governmental Operations on or before April 1, 1996. The study shall include consideration of the following:

(1) For each Department, the number and type of aircraft, the number of pilots, and the number and type of support personnel for aircraft.
(2) For each Department, the budget for aircraft, the source of funding for aircraft, the number of hours the aircraft is available, and the number of hours the aircraft is used.
(3) The feasibility and desirability of consolidating any or all State-owned aircraft operations.
(4) The feasibility and desirability of sharing of aircraft by Departments.
(5) The feasibility and desirability of Departments' contracting for aircraft services rather than owning their own aircraft.
(6) Compilation and review of Departments' policies regarding authorized passengers on the aircraft and which Departmental personnel is responsible for determining which passengers are authorized."

PART 11. DEPARTMENT OF ADMINISTRATION

Requested by: Senators Warren, Gulley,
Representatives Ives, Lemmond, Culpepper

COST SHARING OF THE PERSONNEL MANAGEMENT INFORMATION SYSTEM

Sec. 11. The Office of State Personnel shall develop a proposed schedule of fees or charges to be paid by each department and university to cover data processing costs that exceed the appropriation made by the General Assembly for maintenance of the system. The Office of State Personnel shall present the recommendation for the fee schedule to the Joint Appropriations Subcommittee on General Government and to the Fiscal Research Division during the 1996 Regular Session of the 1995 General Assembly. Departments and universities shall have

on–line access to all data on their employees and positions, as well as access to public information on all State employees.

Requested by: Representatives Ives, Lemmond, Culpepper, Senators Warren, Gulley

WORKERS' COMPENSATION COST CONTAINMENT PROGRAM PILOT

Sec. 11.1. The Office of State Budget and Management shall, after consultation with the Office of State Personnel, develop a pilot program that shall be known as the Workers' Compensation Cost Containment Program, to reduce the cost to State government of workers' compensation claims filed by State employees. The Office of State Budget and Management shall present the plans for the proposed pilot project to the Joint Legislative Commission on Governmental Operations for its comments and approval. Upon obtaining approval of the proposed pilot project from the Joint Legislative Commission on Governmental Operations, the Office of State Budget and Management may implement the pilot project, and shall choose, by a process of competitive bidding, a third–party administrator to manage claims processing.

Services provided by the third–party administrator shall include determination of compensability and related questions, incident reporting analysis, incident investigation, medical case management, disability management, and information management. Reimbursement to the third–party administrator shall be determined as a percentage of realized savings, calculated according to a methodology established by the Office of State Budget and Management. The Director of the Budget shall select agencies to participate in the pilot program and may transfer lapsed salary funds from the salary accounts of participating agencies to a Workers' Compensation Reserve Fund established in the Office of State Budget and Management for the purpose of paying workers' compensation claims of employees of the participating agencies.

On or before April 1, 1996, the Office of State Budget and Management, after consultation with the Office of State Personnel, shall submit to the General Assembly a report setting forth the status of the program, the results achieved, and recommendations for any further action by the General Assembly as may be required.

Requested by: Senators Warren, Gulley, Representatives Ives, Lemmond, Culpepper

GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH DISABILITIES

Sec. 11.2. The Department of Human Resources shall continue to provide the current office space for the four regional offices of the Governor's Advocacy Council for Persons with Disabilities or office space that is comparable to that now used by the Council.

Requested by: Senators Plyler, Warren, Gulley, Representatives Ives, Lemmond, Culpepper

CONSOLIDATE GRANTS PROCESS FOR CENTERS FOR VICTIMS OF DOMESTIC VIOLENCE

Sec. 11.3. (a) Federal and State grant funds are available for centers for victims of domestic violence and the North Carolina Coalition Against Domestic Violence. However, an applicant must apply to the Department of Human Resources to obtain a grant funded by federal funds and to the Council on the

Status of Women, Department of Administration, to obtain a grant funded by State funds. To eliminate the needless duplication of time, effort, and review, the Department of Administration and the Department of Human Resources shall develop and implement a consolidated grant application form and process for centers for victims of domestic violence and the North Carolina Coalition Against Domestic Violence. The forms and process shall be developed and implemented by July 1, 1996.

(b) The Fiscal Research Division shall study the feasibility of consolidating the function of administering the federal and State grants for centers for victims of domestic violence and the North Carolina Coalition Against Domestic Violence and shall report to the 1995 General Assembly, 1996 Regular Session, regarding its findings and recommendations.

PART 11A. DEPARTMENT OF INSURANCE

Requested by: Senators Warren, Gulley,
Representatives Ives, Lemmond, Culpepper

DECREASE CONSUMER PROTECTION FUND

Sec. 11A. (a) G.S. 58–2–215 reads as rewritten:

"**§ 58–2–215. Consumer Protection Fund.**

(a) A special fund is created in the Office of the State Treasurer, to be known as the Department of Insurance Consumer Protection Fund. The Fund shall be placed in an interest bearing account and any interest or other income derived from the Fund shall be credited to the Fund. Moneys in the Fund shall only be spent pursuant to warrants drawn by the Commissioner on the Fund through the State Treasurer. The Fund shall be subject to the provisions of the Executive Budget Act; except that the provisions of Article 3C of Chapter 143 of the General Statutes do not apply to subdivision (b)(1) of this section.

(b) All moneys credited to the Fund shall be used only to pay the following expenses incurred by the Department:

(1) For the purpose of retaining outside actuarial and economic consultants, legal counsel, and court reporting services in the review and analysis of rate filings, in conducting all hearings, and through any final adjudication.

(2) In connection with any delinquency proceeding under Article 30 of this Chapter, for the purpose of locating and recovering the assets of or any other obligations or liabilities owed to or due an insurer that has been placed under such proceeding.

(3) In connection with any civil litigation, other than under Chapter 150B of the General Statutes or any appeal from an order of the Commissioner or his deputies, that is commenced against the Commissioner or his deputies and that arises out of the performance of their official duties, for the purpose of retaining outside consultants, legal counsel, and court reporting services to defend such litigation.

(c) Moneys appropriated by the General Assembly shall be deposited in the Fund and shall become a part of the continuation budget of the Department of Insurance. Such continuation budget amount shall equal the actual expenditures drawn from the Fund during the prior fiscal year plus the official inflation rate designated by the Director of the Budget in the preparation of the State Budget for each ensuing fiscal year; provided that if interest income on the Fund exceeds

the amount yielded by the application of the official inflation rate, such continuation budget amount shall be the actual expenditures drawn from the ~~Fund.~~ Fund, except that the appropriation for the 1995–96 fiscal year shall not exceed the sum of seven hundred fifty thousand dollars ($750,000) and for the 1996–97 fiscal year shall not exceed the sum of two hundred fifty thousand dollars ($250,000). In the event the amount in the Fund exceeds ~~one million dollars ($1,000,000) at the end of any fiscal year,~~ two hundred fifty thousand dollars ($250,000) at the end of any fiscal year, beginning with the 1995–96 fiscal year, such excess shall revert to the General Fund.

(d) In no event shall more than seventy percent (70%) of the amount in the Fund be allocated or spent for any one purpose specified in subsection (b) of this section in any fiscal year."

(b) Effective July 1, 1996, G.S. 58–2–215(d) is repealed.

(c) Effective June 30, 1995, Section 31 of Chapter 1069 of the 1989 Session Laws, Regular Session 1990, reads as rewritten:

"Sec. 31. Section 23 of this act does not apply to the 1990 automobile rate filing made pursuant to Article 36 of Chapter 58 of the General Statutes. Section 27 of this act shall expire at the end of the 1993–94 fiscal year and Section 28 shall become effective upon the expiration of Section 27. ~~If the General Assembly does not appropriate or transfer funds in accordance with Sections 1, 22, 26, 27, or 28 of this act for a fiscal year, Sections 1 through 14 and Sections 23 through 30 of this act shall expire on the day after the General Assembly adjourns without making the appropriations or transfers; and the statutes amended by Sections 2 through 14, 23, and 26 shall read as they did immediately prior to the effective date of this act.~~"

PART 12. DEPARTMENT OF CULTURAL RESOURCES

Requested by: Senators Warren, Gulley,
Representatives Ives, Lemmond, Culpepper

REPEAL CAPITOL PRESERVATION COMMISSION

Sec. 12. (a) Chapter 682 of the 1993 Session Laws is repealed.

(b) G.S. 121–9 is amended by adding a new subsection, which reenacts the law as it existed prior to July 1, 1995:

"(h) Preservation and Custodial Care of State Capitol. — The rotunda, corridors, and stairways of the first floor of the State Capitol and all portions of the second, third, and loft floors of the said building shall be placed in the custody of the Department of Cultural Resources; and the Department shall, subject to the availability of funds for the purpose, care for and administer these areas for the edification of present and future generations. The aforesaid areas shall be preserved as historic shrines and shall be maintained insofar as practicable as they shall appear following the restoration of the Capitol. The Department of Cultural Resources is authorized to deny the use of the legislative chambers for meetings in order that they, with their historic furnishings, may be better preserved for posterity; provided, however, that the General Assembly may hold therein such sessions as it may by resolution deem proper.

The Department of Cultural Resources is hereby entrusted with the responsibilities herein specified as being the agency with the experience best qualified to preserve and administer historic properties in a suitable manner. However, for the purposes of carrying out the provisions of this section, it is hereby directed that

such cooperation and assistance shall be made available to the said Department of Cultural Resources and such labor supplied, as may be feasible, by the Department of Administration.

The offices and working areas of the first floor as well as all washrooms and the exterior of the Capitol shall remain under the jurisdiction of the Department of Administration: Provided, however, that the Department of Administration shall seek the advice of the Department of Cultural Resources in matters relating to any alteration, renovation, and furnishing of said offices and areas."

(c) This section is effective upon ratification.

Requested by: Representatives Ives, Lemmond,
Senator Warren

TECHNICAL CORRECTION/
EXECUTIVE MANSION CURATOR TRANSFERRED

Sec. 12.1. Section 11.1 of Chapter 324 of the 1995 Session Laws reads as rewritten:

"Sec. 11.1. The position of Executive Mansion Curator ~~(position number 4129-0101-0006-125)~~ (position number 4149-0101-0006-125) is transferred from the Department of Administration to the Department of Cultural Resources. This transfer will permit the Department of Cultural Resources to better maintain the historical personal properties of the Executive Mansion. This provision does not affect, in any way, the jurisdiction of the Department of Administration over the Executive Mansion and its grounds."

Requested by: Representatives Ives, Lemmond,
Senator Warren

NUMBER OF POSITIONS IN
DEPARTMENT OF CULTURAL RESOURCES REDUCED

Sec. 12.2. Notwithstanding Section 28.2 of Chapter 324 of the 1995 Session Laws, there is a total reduction in the Continuation Budget Operations for the Department of Cultural Resources of 19.5 positions for the 1995-96 fiscal year and of 19.5 positions for the 1996-97 fiscal year. The revisions in Chapter 324 of the 1995 Session Laws, the Continuation Budget Operations Appropriations Act, for the Department of Cultural Resources for the 1995-96 fiscal year and for the 1996-97 fiscal year are as follows:

	1995-96	1996-97
(1230) Archives and History	($90,618) R	($90,618) R
	-3.00	-3.00
(1241) Historic Sites	($77,452) R	($77,452) R
	-3.00	-3.00
(1270) Museum of History	($269,322) R	($269,322) R
	-9.50	-9.50
(1320) Museum of Art	($29,495) R	($29,495) R
	-1.00	-1.00

Requested by: Representatives Culpepper, Ives, Lemmond,
Holmes, Creech, Esposito,
Senators Warren, Gulley, Plyler, Perdue, Odom

NEWBOLD-WHITE HOUSE

Sec. 12.2A. (a) The North Carolina Historical Commission shall study:

(1) The feasibility and advisability of acquiring and operating the Newbold–White House together with adjacent lands now owned by the Perquimans County Historical Association in Perquimans County as a State Historic Site; and

(2) The cost to the State of operating and maintaining the Newbold–White House as a State Historic Site.

(b) The North Carolina Historical Commission shall report its findings and recommendations to the three cochairs of the Senate Appropriations and Base Budget Committee, the three cochairs of the House of Representatives Appropriations Committee, and the 1995 General Assembly, 1996 Regular Session.

Requested by: Senators Warren, Gulley,
Representatives Ives, Lemmond, Culpepper

HISTORIC SITES REPAIRS AND RENOVATIONS FUNDS

Sec. 12.3. (a) Funds allocated in Section 5.3 of Chapter 324 of the 1995 Session Laws to the Office of State Budget and Management for the Repairs and Renovations Fund may be used to make needed repairs and renovations at the State Historic Sites.

(b) There is established the Historic Sites Repairs and Renovations Review Committee. The Committee shall consist of the following members: The three co–chairs of the Senate Appropriations and Base Budget Committee and the three co–chairs of the House of Representatives Appropriations Committee. The Office of State Budget and Management shall submit its proposal for the use of funds from the Repairs and Renovations Fund for historic sites to the Committee before submitting the proposal to the Joint Legislative Commission on Governmental Operations in accordance with Section 5.3 of Chapter 324 of the 1995 Session Laws.

Requested by: Senators Warren, Gulley, Plyler, Perdue, Odom,
Representatives Ives, Lemmond, Culpepper,
Holmes, Creech, Esposito

GRANTS TO PUBLIC LIBRARIES

Sec. 12.4. (a) Funds in the amount of two million dollars ($2,000,000) appropriated in this act to the Department of Cultural Resources for the 1995–96 fiscal year shall be used as grants–in–aid for public libraries to assist in the purchase of books or for construction costs of public libraries and public school libraries. The Secretary of Cultural Resources shall award grants authorized by this section.

(b) The Department of Cultural Resources shall report to the Fiscal Research Division by December 1, 1995, regarding the grants made in accordance with this section.

Requested by: Senators Warren, Gulley,
Representatives Ives, Lemmond, Culpepper

GRANTS TO LOCAL MUSEUMS

Sec. 12.5. (a) Funds in the amount of two million dollars ($2,000,000) appropriated in this act to the Department of Cultural Resources for the 1995–96 fiscal year shall be used as grants–in–aid for local museums. The Secretary of Cultural Resources may require a match by non–State funds as deemed appropriate.

(b) The Department of Cultural Resources shall report to the Fiscal Research Division by December 1, 1995, regarding the grants made in accordance with this section.

Requested by: Senators Warren, Gulley,
Representatives Ives, Lemmond, Culpepper

ROANOKE ISLAND COMMISSION

Sec. 12.6. (a) G.S. 143B-131.1 reads as rewritten:

"**§ 143B-131.1. Commission established.**

There is established the Roanoke Island Commission. The Commission shall be an independent commission, but shall be located within the Department of Cultural Resources for ~~organizational, budgetary, and administrative~~ historic resource management, organizational, and budgetary purposes."

(b) G.S. 143B-131.2 reads as rewritten:

"**§ 143B-131.2. Roanoke Island Commission — ~~Powers~~ Purpose, powers, and duties.**

(a) The Commission is created to combine various existing entities in the spirit of cooperation for a cohesive body to protect, preserve, develop, and interpret the historical and cultural assets of Roanoke Island. The Commission is further created to operate and administer the Elizabeth II State Historic Site and Visitor Center, the Elizabeth II, Ice Plant Island, and all other properties under the administration of the Department of Cultural Resources located on Roanoke Island having historical significance to the State of North Carolina, Dare County, or the Town of Manteo, except as otherwise determined by the Commission.

(b) The Commission ~~may:~~ shall have the following powers and duties:

(1) ~~Advise~~ To advise the Secretary of Transportation and adopt rules on matters pertaining to, affecting, and encouraging restoration, preservation, and enhancement of the ~~appearance and~~ appearance, maintenance, and aesthetic quality of U.S. Highway 64/264 and N.C. 400 travel corridors on Roanoke ~~Island.~~ Island and the grounds on Ice Plant Island.

(2) ~~Advise the Secretary of the Department of Cultural Resources and adopt rules on matters pertinent to the operation and maintenance of~~ To operate the Elizabeth II State Historic Site and Visitor Center and the Elizabeth II as permanent memorials commemorating the Roanoke Voyages, 1584-1587.

(3) ~~Advise the Secretary of the Department of Cultural Resources and adopt rules on matters pertinent to~~ To supervise the development of Ice Plant Island and to manage future ~~facilities in cooperation with the Department of Cultural Resources.~~ facilities.

(4) ~~Advise~~ To advise the Secretary of the Department of Cultural Resources on matters pertinent to historical and cultural events on Roanoke Island.

(5) With the assistance of the Department of Cultural Resources, to identify, preserve, and protect properties located on Roanoke Island having historical significance to the State of North Carolina, Dare County, or the Town of Manteo consistent with applicable State laws and ~~Department~~ rules.

(6) ~~Make recommendations to the Secretary of the Department of Cultural Resources for establishing and providing a proper~~ To establish

and collect a charge for admission to ~~the ship, and for the maintenance and operation of the ship, the visitor center, and the grounds as a permanent memorial and exhibit.~~ any property or event operated by the Commission.

(7) ~~Solicit~~ To solicit and accept gifts, grants, and donations.

(8) ~~Cooperate~~ To cooperate with the Secretary and Department of Cultural Resources, the Secretary and Department of Transportation, the Secretary and Department of Environment, Health, and Natural Resources, and other governmental agencies, officials, and entities, and provide them with assistance and advice.

(9) ~~Adopt~~ To adopt and enforce such bylaws, rules, ~~regulations,~~ and guidelines that the Commission deems to be reasonably necessary in order to carry out its powers and duties. Chapter 150B of the General Statutes does not apply to the adoption of rules by the Commission.

(10) ~~Establish~~ To establish and maintain a ~~"Roanoke Island Commission Fund"~~ separate fund composed of moneys which may come into its hands from gifts, donations, grants, or bequests, which funds will be used by the Commission for purposes of carrying out its duties and purposes herein set forth. The Commission may also establish a reserve fund to be maintained and used for contingencies and emergencies.

(11) By cooperative arrangement with other agencies, groups, individuals, and other entities, to coordinate and schedule historical and cultural events on Roanoke Island.

(12) Make recommendations to the Secretary of Cultural Resources concerning personnel and budgetary matters.

(13) ~~Acquire~~ To acquire real and personal property by purchase, gift, bequest, devise, and exchange.

(14) To administer the Roanoke Island Commission Fund and the Roanoke Island Commission Endowment Fund as provided in G.S. 143B-131.8.

~~(b) Contract Authority. The Commission may~~

(15) To procure supplies, services, and property as appropriate and ~~may~~ to enter into contracts, leases, or other legal agreements consistent with State laws and Department rules to carry out the purposes of this Part and duties of the Commission."

(c) Part 27A of Article 2 of Chapter 143B of the General Statutes is amended by adding the following sections:

"§ **143B-131.8. Roanoke Island Commission Fund; Roanoke Island Commission Endowment Fund.**

(a) The Roanoke Island Commission Fund is established as a nonreverting Fund and shall be administered by the Roanoke Island Commission. Seventy-five percent (75%) of the revenues collected from any property operated by the Roanoke Island Commission shall be credited to the Fund. In addition, gifts, donations, grants, or bequests received by the Commission for the purpose of carrying out its duties and purposes may also be deposited in the Fund.

The funds in the Roanoke Island Commission Fund shall be used for the expenses of the Roanoke Island Commission and the operation and maintenance of properties operated by the Commission.

(b) The Roanoke Island Commission Endowment Fund is established as a nonreverting Fund and shall be administered by the Commission. Twenty-five percent (25%) of the revenue collected from any property operated by the Roanoke Island Commission shall be credited to the Fund. Until July 1, 2000, the revenues credited to the Roanoke Island Commission Endowment Fund and the interest earned on the revenue shall be held in reserve to create the principal for the Fund.

On and after July 1, 2000, eighty percent (80%) of the interest generated by the principal in the Roanoke Island Commission Endowment Fund shall be used by the Roanoke Island Commission to carry out its duties and purposes as set out by this Part. The Roanoke Island Commission may also use those interest funds for capital expenditures for the properties operated by the Commission.

"**§ 143B-131.9. Roanoke Island Commission staff.**

The Commission shall appoint and fix the salary of an Executive Director to serve at its pleasure and may hire other employees. Employees of the Commission who were transferred from the Department of Cultural Resources as of July 1, 1995, and who were subject to the State Personnel Act, Chapter 126 of the General Statutes, at the time of the transfer shall continue to be subject to that act. Employees of the Commission who were transferred but were not subject to the State Personnel Act at the time of transfer are not subject to the State Personnel Act. Employees of the Commission who were not transferred are not subject to the State Personnel Act unless the Commission designates the employee's position as subject to the State Personnel Act when the employee is hired. Once designated, a position remains subject to the State Personnel Act unless exempted in accordance with that act.

"**§ 143B-131.10. Exceptions.**

Notwithstanding G.S. 143-28, the following provisions do not apply to this Part: G.S. 143-16.3 and G.S. 143-23."

(d) The personnel, personal property, and unexpended balances of appropriations, allocations, or other funds for the Elizabeth II State Historic Site and Visitor Center, the Elizabeth II, and the Roanoke Island Commission are transferred from the Department of Cultural Resources to the Roanoke Island Commission.

(e) This section is effective upon ratification.

PART 13. STATE BOARD OF ELECTIONS

Requested by: Representatives Lemmond, Ives, Culpepper, Senators Warren, Gulley

STATE BOARD OF ELECTIONS AUTHORITY TO SELL SOFTWARE FOR CAMPAIGN REPORTING

Sec. 13.1. (a) G.S. 66-58(c) as amended by Chapter 247 of the 1995 Session Laws reads as rewritten:

"(c) The provisions of subsection (a) shall not prohibit:

(1) The sale of products of experiment stations or test farms.

(2) The sale of learned journals, works of art, books or publications of the Department of Cultural Resources or other agencies, or the Supreme Court Reports or Session Laws of the General Assembly.

(3) The business operation of endowment funds established for the purpose of producing income for educational purposes; for purposes of this section, the phrase 'operation of endowment funds' shall include the operation by public postsecondary educational institutions of campus stores, the profits from which are used exclusively for awarding scholarships to defray the expenses of students attending the institution; provided, that the operation of such stores must be approved by the board of trustees of the institution, and the merchandise sold shall be limited to educational materials and supplies, gift items and miscellaneous personal-use articles. Provided further that sales at campus stores are limited to employees of the institution and members of their immediate families, to duly enrolled students of the campus at which a campus store is located and their immediate families, to duly enrolled students of other campuses of the University of North Carolina other than the campus at which the campus store is located, to other campus stores and to other persons who are on campus other than for the purpose of purchasing merchandise from campus stores. It is the intent of this subdivision that campus stores be established and operated for the purpose of assuring the availability of merchandise described in this Article for sale to persons enumerated herein and not for the purpose of competing with stores operated in the communities surrounding the campuses of the University of North Carolina.

(4) The operation of lunch counters by the Department of Human Resources as blind enterprises of the type operated on January 1, 1951, in State buildings in the City of Raleigh.

(5) The operation of a snack bar and cafeteria in the State Legislative Building.

(6) The maintenance by the prison system authorities of eating and sleeping facilities at units of the State prison system for prisoners and for members of the prison staff while on duty, or the maintenance by the highway system authorities of eating and sleeping facilities for working crews on highway construction or maintenance when actually engaged in such work on parts of the highway system.

(7) The operation by penal, correctional or facilities operated by the Department of Human Resources or by the State Department of Agriculture, of dining rooms for the inmates or clients or members of the staff while on duty and for the accommodation of persons visiting such inmates or clients, and other bona fide visitors.

(8) The sale by the Department of Agriculture of livestock, poultry and publications in keeping with its present livestock and farm program.

(9) The operation by the public schools of school cafeterias.

(10) Sale by any State correctional or other institution of farm, dairy, livestock or poultry products raised or produced by it in its normal operations as authorized by the act creating it.

(11) The sale of textbooks, library books, forms, bulletins, and instructional supplies by the State Board of Education, State Department of Public Instruction, and local school authorities.

(12) The sale of North Carolina flags by or through the auspices of the Department of Administration, to the citizens of North Carolina.

(13) The operation by the Department of Correction of forestry management programs on State-owned lands, including the sale on the open market of timber cut as a part of such management program.

(14) The operation by the Department of Correction of facilities to manufacture and produce traffic and street name signs for use on the public streets and highways of the State.

(15) The operation by the Department of Correction of facilities to manufacture and produce paint for use on the public streets and highways of the State.

(16) The performance by the Department of Transportation of dredging services for a unit of local government.

(17) The sale by the State Board of Elections to political committees and candidate committees of computer software designed by or for the State Board of Elections to provide a uniform system of electronic filing of the campaign finance reports required by Article 22A of Chapter 163 of the General Statutes and to facilitate the State Board's monitoring of compliance with that Article. This computer software for electronic filing of campaign finance reports shall not exceed a cost of one hundred dollars ($100.00) to any political committee or candidate committee without the State Board of Elections first notifying in writing the Joint Legislative Commission on Governmental Operations."

(b) The funds appropriated in this act to the State Board of Elections for the purchase of developing computer software to provide a uniform system of electronic filing of campaign finance reports shall be expended for development of software for use by the State Board of Elections and political committees or candidate committees.

Requested by: Representatives Ives, Lemmond, Culpepper,
Senators Warren, Gulley

FUNDS FOR STATEWIDE COMPUTERIZED VOTER REGISTRATION.

Sec. 13.2. (a) The State Board of Elections shall promulgate rules for a statewide computerized voter registration system following the basic client-server design of Alternative C and D as described in the Needs Assessment and Requirements Analysis report prepared pursuant to Section 16 of Chapter 762 of the 1993 Session Laws, Regular Session 1994. Those rules shall include data format standards, data communication standards, and data content standards. The State Board of Elections shall promulgate those rules, including the standards, no later than July 1, 1996. Counties shall adhere to the rules and standards no later than July 1, 1997. The statewide computerized voter registration system shall utilize current technology and be consistent with State standards. That system shall be developed by the State Board of Elections and processed on the computer/servers of the State Information Processing Services Division of the Office of the State Controller.

(b) There are established two reserve funds, to be known as the Reserve Fund for Statewide Computerized Voter Registration/Central Server Component and the Reserve Fund for Statewide Computerized Voter Registration/County Grants Component. The reserve funds shall be funded as follows:

(1) For the 1995–96 fiscal year, funds in the amount of one million five hundred thousand dollars ($1,500,000) shall be transferred from the reserve fund created by Section 16(b) of Chapter 769 of the 1993 Session Laws, Regular Session 1994, to the Reserve Fund for Statewide Computerized Voter Registration/Central Server Component. The State Board of Elections shall use those funds for software development, communications and computer charges, and data conversion charges to implement the central server component of the system designed by the rules promulgated under subsection (a) of this section. The State Board of Elections shall use no more than four hundred forty thousand dollars ($440,000) of those funds to purchase hardware, office furniture, and the services of time–limited computer personnel.

(2) Of the funds appropriated in this act for the 1996–97 fiscal year to the State Board of Elections, the sum of three million five hundred thousand dollars ($3,500,000) shall be deposited in the Reserve Fund for Statewide Computerized Voter Registration/County Grants Component, to be used by the State Board of Elections for grants–in–aid to counties to purchase computer equipment, data communication charges, data conversion, computer consultants or time–limited personnel at the State Board of Elections, travel, education, and training to ensure that all counties' minimum needs for participation in the statewide computerized voter registration system are met. Any additional needs beyond the minimum required for system participation are the responsibility of the counties. The State Board of Elections shall develop and issue rules related to a grant process for grant applications and grant awards to counties. The rules shall be developed and issued no later than February 15, 1996. Grants–in–aid to county boards of elections shall be awarded no later than July 31, 1996. The rules shall provide that the computerized voter registration system has uniform quality statewide, and the grants shall be issued in such a way as to achieve that goal within available resources. In developing the rules, the State Board of Elections shall consider giving special attention to:

a. Low–wealth counties;

b. Counties that have demonstrated a willingness to invest in computer infrastructure; and

c. Counties that demonstrate a willingness to provide matching funds.

(c) The State Board of Elections may spend money from the reserve funds created by subsection (b) of this section only after the State Board of Elections and the Information Resource Management Commission have jointly approved and presented a detailed implementation plan for statewide computerized voter registration to the Joint Legislative Commission on Governmental Operations. That implementation plan shall include:

(1) A description of the system being implemented;
(2) A description of the system's capabilities;
(3) An itemized estimate of the costs of the system, with a justification for each item;
(4) A list of the counties to be brought into the system during the fiscal year;
(5) A project management plan.

After their initial joint report, the State Board of Elections and the Information Resource Management Commission shall make quarterly joint reports to the Joint Legislative Commission on Governmental Operations, describing the status of the project, listing the counties that have been brought into the system and that are planned to be brought into the system, and the costs.

(d) To the extent that this section or action taken under it conflicts with G.S. 163–82.11 through G.S. 163–82.13 or Section 16 of Chapter 769 of the 1993 Session Laws, this section or those actions prevail to the extent of the conflict. Except to the extent of the conflict, Section 16 of Chapter 769 of the 1993 Session Laws remains in effect.

PART 15. COLLEGES AND UNIVERSITIES

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner

MEHARRY MEDICAL COLLEGE

Sec. 15. The Board of Governors of The University of North Carolina shall develop and implement a plan to recruit and attract graduates of Meharry Medical College who are North Carolina residents for whom State financial support was provided to Meharry Medical College. The Board's plan shall include informing the students of the State support, providing information about medical residency opportunities in North Carolina, and any other relevant information about opportunities for medical and dental practice in North Carolina. The Office of Rural Health and the Area Health Education Centers shall assist the Board in developing and implementing the plan. The Board shall include State supported graduates of Meharry Medical College in its monitoring report required by G.S. 143–613(d) on primary care physicians. Meharry Medical College shall supply information necessary for the Board to comply with this section.

Requested by: Representatives Grady, Preston, Ramsey, Cummings,
Senators Plexico, Winner, Conder

SCHOOL OF SCIENCE AND MATHEMATICS

Sec. 15.1. G.S. 116–235 (b) reads as rewritten:

"(b) Students. —

(1) Admission of Students. — The School shall admit students in accordance with criteria, standards, and procedures established by the Board of Trustees. To be eligible to be considered for admission, an applicant must be a legal resident of the State, as defined by ~~G.S. 116–143.1;~~ 116–143.1(a)(1); eligibility to remain enrolled in the School shall terminate at the end of any school year during which a student becomes a nonresident of the State. The Board of Trustees shall ensure, insofar as possible without jeopardizing admission standards, that an equal number of qualified rising high school juniors is

admitted to the program and to the residential summer institutes in science and mathematics from each of North Carolina's congressional districts. In no event shall the differences in the number of rising high school juniors offered admission to the program from each of North Carolina's congressional districts be more than two and one-half percentage points from the average number per district who are offered admission.

(2) School Attendance. — Every parent, guardian, or other person in this State having charge or control of a child who is enrolled in the School and who is less than 16 years of age shall cause such child to attend school continuously for a period equal to the time which the School shall be in session. No person shall encourage, entice, or counsel any child to be unlawfully absent from the School. Any person who aids or abets a student's unlawful absence from the School shall, upon conviction, be guilty of a Class 3 misdemeanor. The Director of the School shall be responsible for implementing such additional policies concerning compulsory attendance as shall be adopted by the Board of Trustees, including regulations concerning lawful and unlawful absences, permissible excuses for temporary absences, maintenance of attendance records, and attendance counseling.

(3) Student Discipline. — Rules of conduct governing students of the School shall be established by the Board of Trustees. The Director, other administrative officers, and all teachers, substitute teachers, voluntary teachers, teacher aides and assistants, and student teachers in the School may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order."

Requested by: Representatives Fox, Grady, Preston,
Senators Plexico, Winner, Kerr

UNC VISUAL IMPAIRMENT TEACHER TRAINING CURRICULUM

Sec. 15.2. (a) The Board of Governors of The University of North Carolina shall select a school of education from within The University of North Carolina and direct the school to establish an interstate consortium of universities located in the southeastern United States with the following purposes:

(1) To collaboratively devise an appropriate curriculum for the training of teachers to work with visually impaired students.

(2) To seek foundation grants to support the cooperative program of teacher education.

(3) To work together in the implementation and operation of the program providing the needed training experiences for students from those states that become a part of the consortium.

(b) The school of education designated by the Board of Governors of The University of North Carolina to establish the interstate consortium shall try to recruit one university from each of the states in the southeastern United States. The program developed by the interstate consortium shall be operated at the school of education designated by the Board of Governors to undertake the project and shall utilize technology for long-distance learning within the State and among the other states in the consortium. The program shall be funded by all states participating in the consortium in addition to grants obtained by the consortium.

(c) The program designed by the consortium shall be implemented collaboratively with the North Carolina Department of Human Resources through the Division of Services for the Blind. The Governor Morehead School shall be used as a clinical site for the students in the program. The program shall be designed to meet certification requirements that are set by the licensing agencies in the states participating in the consortium. The program shall offer a masters degree in visual impairments and shall also offer courses for special education teachers to enable them to extend their certification to include visual impairments.

(d) The Board of Governors of The University of North Carolina shall report to the Joint Legislative Education Oversight Commission by March 1, 1996, regarding the progress in implementing this section.

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner, Hoyle

UNC CAPITAL IMPROVEMENT PRIORITIES

Sec. 15.3. (a) The Board of Governors of The University of North Carolina shall develop a capital improvement request process that can be used to make its capital priorities across campuses known to the General Assembly. This process shall include needs criteria based on mission, enrollment, adequacy of facilities, the functional age of the facilities, utilization of facilities and other objective factors.

(b) The Board of Governors shall report to the Joint Legislative Education Oversight Committee by April 1, 1996, regarding the development of the capital improvement request process.

Requested by: Representatives Grady, Preston, Rogers,
Senators Plexico, Winner, Warren

ECU MEDICAL SCHOOL RECEIPTS

Sec. 15.4. Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§ 116-36.6. East Carolina University School of Medicine; Medicare receipts.**

The East Carolina University School of Medicine shall request, on a regular basis consistent with the State's cash management plan, funds earned by the School from Medicare reimbursements for education costs. Upon receipt, these funds shall be allocated as follows:

(1) The portion of the Medicare reimbursement generated through the effort and expense of the School of Medicine's Medical Faculty Practice Plan shall be transferred to the appropriate Medical Faculty Practice Plan account within the School of Medicine. The Medical Faculty Practice Plan shall assume responsibility for any of these funds that subsequently must be refunded due to final audit settlements.

(2) The funds from this source budgeted by the General Assembly as part of the School of Medicine's General Fund budget code shall be credited to that code as a receipt.

(3) The remainder of the funds shall be transferred to a special fund account on deposit with the State Treasurer. This special fund account shall be used for any necessary repayment of Medicare funds due to final audit settlements for funds allocated under subdivision (2) of this subsection. When the amount of these reimbursement funds has been finalized by audit for each year, those funds remaining in the special fund shall be available for specific capital improvement

projects for the East Carolina University School of Medicine. Requests by East Carolina University for use of these funds shall be made to the Board of Governors of The University of North Carolina. Approval of projects by the Board of Governors shall be reported to the Joint Legislative Commission on Governmental Operations, and the reports shall include projected costs and sources of funds for operation of the approved projects."

Requested by: Senators Plexico, Winner, Conder,
Representatives Grady, Preston, Cummings

STATE EDUCATION ASSISTANCE AUTHORITY/ FEDERAL MATCHING FUNDS

Sec. 15.5. Funds appropriated in Chapter 324 of the 1995 Session Laws to the Board of Governors of The University of North Carolina for use by the State Education Assistance Authority to match federal grants under the Federal State Student Incentive Grant program shall remain available to assist needy students in meeting postsecondary education expenses irrespective of the receipt by the State Education Assistance Authority of any federal funds for such purpose. In the event federal funds are not available for such purposes, the eligibility for funds under this section shall be limited to resident students attending a constituent institution of The University of North Carolina, a community college as defined by G.S. 115D–2(2), or a private institution as defined by G.S. 116–22(1).

Requested by: Representatives Grady, Preston,
Senators Perdue, Plexico, Rand, Winner, Odom, Plyler

MILITARY PERSONNEL/BUDGETING OF SUMMER SCHOOL CREDIT HOURS

Sec. 15.6. For State budget purposes, credit hours taken in summer school at a constituent institution of The University of North Carolina by military personnel as defined in G.S. 116–143.3(a) and G.S. 116–143.3(b) shall be budgeted as resident credit hours.

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner

REPORTS ON UNC VENDING FACILITIES

Sec. 15.7. G.S. 116–36.4 reads as rewritten:

"**§ 116–36.4. Vending facilities.**

~~The Board of Governors shall, not later than October 1 of each year, review an itemized annual report in a format to be determined by the Office of State Budget and Management~~ Each institution shall provide to the director of the Budget and the State Auditor such information as they may from time to time require concerning the use of net proceeds from operations of vending facilities for the previous fiscal year under G.S. 116–36.1. Net proceeds may be used only as authorized by the Board of Governors, but this section does not authorize expenditures for purposes not otherwise authorized by law. The report shall be itemized by campus and by authorized purpose. The Board shall also review an annual report from the UNC Hospitals, monitoring compliance with G.S. 143–12.1(f1). A copy of the report shall be provided to the Fiscal Research Division of the Legislative Services Office."

Requested by: Senators Plexico, Winner, Conder,
Representatives Grady, Preston, Cummings

ALLIED HEALTH PROFESSIONS

Sec. 15.8. Of the funds provided to the Board of Governors for expansion funding through receipts, the amount of one million seven hundred thousand dollars ($1,700,000) each fiscal year of the biennium shall be allocated for expansion of program offerings and enrollment for training of allied health professionals.

Requested by: Representatives Grady, Preston, Cummings,
Senators Plexico, Winner, Conder

AHEC/SCHOOL OF NURSING CENTERS

Sec. 15.9. Of the funds provided to the Board of Governors of The University of North Carolina for expansion funding through receipts for University Institutional Programs, the sum of two million dollars ($2,000,000) shall be allocated each year of the biennium for the Area Health Education Centers for initiatives in primary care and training of mid-level practitioners. Of these additional funds, the sum of twenty-five thousand dollars ($25,000) shall be used to increase funding for the Raleigh School of Nurse Anesthesia from fifty thousand dollars ($50,000) to seventy-five thousand dollars ($75,000) per year.

Requested by: Representatives Grady, Preston, Cummings,
Senators Plexico, Winner, Conder

UNC PILOT OFF-CAMPUS SITES

Sec. 15.10. Of the funds provided to the Board of Governors of The University of North Carolina for expansion funding through receipts in this act, one million dollars ($1,000,000) each fiscal year shall be used to establish pilot degree programs at sites located away from the campuses of the constituent institutions and to expand educational opportunities at those sites. The Board shall consider sites on community college campuses, especially those with a higher proportion of college transfer student enrollment, sites easily accessible to military personnel and other citizens, and sites remote from the constituent institutions' main campuses. Funds may be used to fund campuses for full-time equivalent enrollment at those sites, to improve library collections for the programs offered at the site, or for other purposes deemed appropriate by the Board.

The Board shall report to the Joint Education Oversight Committee on this effort by December 1996.

Requested by: Representatives Grady, Preston, Cummings,
Senators Plexico, Winner, Conder

AGRICULTURE EDUCATION PROGRAM FUNDS

Sec. 15.11. (a) Of the funds provided to the Board of Governors of The University of North Carolina, the sum of five hundred eighty-five thousand dollars ($585,000) for the 1995-96 fiscal year and the sum of five hundred eighty-five thousand dollars ($585,000) for the 1996-97 fiscal year shall be allocated to the College of Agriculture and Life Sciences at North Carolina State University for personnel positions and related office and travel expenses to provide overall leadership, coordination, and structure for agricultural education programs and Future Farmers of America activities in the public schools of North Carolina.

(b) The positions in this section are:

(1) A State Agricultural Education Coordinator, located in the Department of Agricultural and Extension Education at North Carolina State University;
(2) Three Regional Consultants who are responsible to the State Agricultural Education Coordinator; and
(3) A State Future Farmers of America Director, who is responsible to the State Agricultural Education Coordinator and the Board of Directors of the North Carolina Association of Future Farmers of America, Incorporated. The Executive Director and staff of the North Carolina Future Farmers of America Foundation are provided by the North Carolina Future Farmers of America Foundation, Incorporated, and the Director and staff of the North Carolina Future Farmers of America Center are provided by the North Carolina Association of Future Farmers of America, Inc.

(c) The Office of the Governor and the State Board of Education, the Superintendent of Public Instruction, and other State agencies responsible for vocational and technical education in the public schools shall maintain close working relationships with the State Agricultural Education Coordinator. The State Agricultural Education Coordinator and those agencies shall cooperate and collaborate to provide resources that will ensure quality agricultural education programs in the public schools.

Requested by: Senators Odom, Perdue, Plyler, Plexico, Rand, Winner, Representatives Grady, Preston, Cummings

SELECTION OF DISTINGUISHED PROFESSORS

Sec. 15.12. G. S. 116–41.18 is amended by adding a new subsection to read:

"(a1) No rule shall prevent the constituent institutions of The University of North Carolina from selecting holders of Distinguished Professorships from among existing faculty members or newly hired faculty members."

Requested by: Senators Martin of Guilford, Plexico, Winner, Conder, Representatives Grady, Preston, Cummings

NORTH CAROLINA A & T STATE UNIVERSITY APPLIED MANUFACTURING AND EDUCATION CENTER

Sec. 15.13. Funds in the amount of three million five hundred thousand dollars ($3,500,000) were appropriated in Section 6 of Chapter 561 of the 1993 Session Laws to the Board of Governors for the Applied Manufacturing and Education Center at North Carolina Agricultural and Technical State University. The remainder of those funds may be used by North Carolina Agricultural and Technical State University for the 1995–96 fiscal year and for the 1996–97 fiscal year for capital, operating, and equipment expenses of the Piedmont Triad Center for Advanced Manufacturing.

All funds expended for equipment shall be for the Piedmont Triad Center for Advanced Manufacturing, and shall remain under the ownership of this entity or North Carolina Agricultural and Technical State University.

Requested by: Senator Rand

ACADEMIC ENHANCEMENT FUNDS

Sec. 15.15. (a) Notwithstanding G.S. 116–143, the Board of Trustees of a

constituent institution designated as a Research University I campus of The University of North Carolina may increase tuition at the constituent institution by an amount not to exceed four hundred dollars ($400.00) per full-time student per regular term academic year. All additional revenues derived from these tuition increases shall remain for use on that campus and are in addition to the operating budgets approved by the General Assembly. If the Board of Trustees of an institution increases tuition, the chancellor must allocate a minimum of thirty-five percent (35%) of the funds provided by the tuition increase for need-based financial aid. The balance of the funds may be allocated for faculty salaries or library budgets. Students who are already receiving need-based financial aid or who are eligible for need-based financial aid shall have their financial aid awards increased to cover the tuition increase allowed under this subsection. Funding for these financial aid increases shall be the top priority for use of the financial aid funds provided in this subsection, but any source of funds may be used to cover the tuition increases for students receiving need-based financial aid.

(b) Notwithstanding G.S. 116-143, the Board of Trustees of a constituent institution of The University of North Carolina which has a professional school (law, medicine, dentistry, pharmacy, and veterinary medicine) or masters degree in Business Administration may increase tuition for students in the professional school by an amount not to exceed three thousand dollars ($3,000) per full-time nonresident student per regular term academic year or by an amount not to exceed four hundred dollars ($400.00) per full-time resident student per regular term academic year. If the Board of Trustees of an institution increases tuition for students in a professional school, the funds provided by the increase shall remain on that campus and be used to enhance that professional school. In no case shall a student attending a professional school be subject to a tuition increase allowable under this section greater than the amounts stated in this subsection.

(c) Once a Board of Trustees decides to increase tuition at a constituent institution, the institution shall notify the Board of Governors, the Office of State Budget and Management, and the Fiscal Research Division of the amount of increase, additional receipts anticipated, and the allocation of the funds among various programs in a format prescribed by the Board of Governors of The University of North Carolina.

(d) No employee of the University of North Carolina System who earns one hundred thousand dollars ($100,000) or more a year shall receive additional remuneration from these funds.

Requested by: Senators Winner, Plexico, Conder,
Representatives Grady, Preston, Cummings

UNC/UNIFORM REVERSION RATE

Sec. 15.16. G.S. 116-30.3 reads as rewritten:

"**§ 116-30.3. Reversions.**

(a) Of the General Fund current operations appropriations credit balance remaining at the end of each fiscal year in each budget code of a special responsibility constituent ~~institution at the close of a fiscal year,~~ institution, except for the budget code of the Area Health Education Centers of the University of North Carolina at Chapel Hill, any amount greater than ~~the percentage of the General Fund appropriations historically reverted to the State treasury over the preceding five fiscal years, multiplied by the General Fund appropriations for that budget~~

~~code,~~ two percent (2%) of the General Fund appropriation for that fiscal year may be carried forward by the institution to the next fiscal year and may be used for one-time expenditures that will not impose additional financial obligations on the State. Of the General Fund current operations appropriations credit balance remaining in the budget code of the Area Health Education Centers of the University of North Carolina at Chapel Hill, any amount greater than one percent (1%) of the General Fund appropriation for that fiscal year may be carried forward in that budget code to the next fiscal year and may be used for one-time expenditures that will not impose additional financial obligations on the State. However, the amount carried forward under this section shall not exceed two and one-half percent (2 1/2%) of the General Fund appropriation. ~~The historic reversion percentage shall be determined by the Director of the Budget, after making adjustments for allotment reductions made to meet revenue shortfalls and to force credit balances during the preceding five fiscal years under the authority set forth in G.S. 143-25.~~ The Director of the Budget, under the authority set forth in G.S. 143-25, shall establish the General Fund current operations credit balance remaining in each budget code of each institution.

(b) ~~Any special responsibility constituent institution that does not revert a percentage of the General Fund appropriations for the budget code equal to the five-year historic reversion rate established in this section~~ An institution shall cease to be a special responsibility constituent institution under the following circumstances:

(1) An institution, other than the Area Health Education Centers of the University of North Carolina, does not revert at least two percent (2%) of its General Fund current operations credit balance remaining in each budget code of that institution, or

(2) The Area Health Education Centers of the University of North Carolina at Chapel Hill does not revert at least one percent (1%) of its General Fund current operations credit balance remaining in its budget code.

~~unless the Board of Governors finds that the low reversion rate is due to adverse and unforeseen conditions. In this instance,~~ However, if the Board of Governors finds that the low reversion rate is due to adverse and unforeseen conditions, the Board may allow the institution to remain a special responsibility constituent institution for one year to come into conformity with this section. The Board may make this exception only one time for any special responsibility constituent institution, and shall report these exceptions to the Joint Legislative Commission on Governmental Operations."

Requested by: Senators Plexico, Winner, Hoyle, Conder,
Representatives Grady, Preston, Cummings

UNC MISSION

Sec. 15.17. G.S. 116-1 reads as rewritten:

"**§ 116-1. Purpose.**

(a) In order to foster the development of a well-planned and coordinated system of higher education, to improve the quality of education, to extend its benefits and to encourage an economical use of the State's resources, the University of North Carolina is hereby redefined in accordance with the provisions of this Article.

(b) The University of North Carolina is a public, multicampus university dedicated to the service of North Carolina and its people. It encompasses the 16

diverse constituent institutions and other educational, research, and public service organizations. Each shares in the overall mission of the university. That mission is to discover, create, transmit, and apply knowledge to address the needs of individuals and society. This mission is accomplished through instruction, which communicates the knowledge and values and imparts the skills necessary for individuals to lead responsible, productive, and personally satisfying lives; through research, scholarship, and creative activities, which advance knowledge and enhance the educational process; and through public service, which contributes to the solution of societal problems and enriches the quality of life in the State. In the fulfillment of this mission, the university shall seek an efficient use of available resources to ensure the highest quality in its service to the citizens of the State.

Teaching and learning constitute the primary service that the university renders to society. Teaching, or instruction, is the primary responsibility of each of the constituent institutions. The relative importance of research and public service, which enhance teaching and learning, varies among the constituent institutions, depending on their overall missions."

Requested by: Senator Plexico

UNC-ASHEVILLE/KELLOGG CENTER FUNDS

Sec. 15.18. Of the funds appropriated to the Board of Governors of The University of North Carolina for capital improvements the sum of five hundred thousand dollars ($500,000) for the 1995-96 fiscal year shall be used for the Kellogg Center at the University of North Carolina at Asheville as a repository of mountain crafts.

Requested by: Senators Kerr, Winner, Plexico, Conder,
Representatives G. Wilson, Sherrill, Grady, Preston, Cummings

NCSU FORESTRY GENETICIST FUNDS

Sec. 15.19. Of the funds provided through receipts to the Board of Governors of The University of North Carolina the sum of one hundred fifty thousand dollars ($150,000) for the 1995-96 fiscal year and the sum of one hundred fifty thousand dollars ($150,000) for the 1996-97 fiscal year shall be used for North Carolina State University to establish and maintain a forestry geneticist position and support services dedicated to the development and use of the best genetic stock from the North Carolina Christmas tree industry. The purpose of this appropriation is to serve the Christmas tree industry in all regions of the State.

Requested by: Senators Plexico, Winner, Conder,
Representatives Grady, Preston, Cummings

UNC TELEVISION TOWER REPAIR FUNDS

Sec. 15.20. Of the funds allocated to the Board of Governors of The University of North Carolina in Section 5.3 of Chapter 324 of the 1995 Session Laws for the 1995-96 fiscal year, at least five hundred thousand dollars ($500,000) shall be used to repair the University of North Carolina television tower in Columbia.

Requested by: Representatives Grady, Preston, Cummings,
Senators Plexico, Winner

TECHNOLOGY TRAINING FUNDS TO SUPPORT EDUCATION

Sec. 15.21. Of the funds provided to the Board of Governors of The University of North Carolina for expansion funding through receipts, the sum of

one million five hundred thousand dollars ($1,500,000) for computing and technology in 1995–96 shall be used for technology equipment in schools of education to support technology training efforts in the public schools.

PART 16. COMMUNITY COLLEGES

Requested by: Representatives Grady, Preston,
Senators Winner, Plexico

CONTINUING BUDGET CONCEPT MODIFIED

Sec. 16.1. The State Board of Community Colleges shall implement the continuing budget concept for the 1995–97 biennium and in subsequent years as follows:

(1) Community colleges that experience a decline in enrollment shall not receive a decrease in full–time equivalent student (FTE) enrollment funds until their enrollment declines more than five percent (5%). At that time, they shall experience a decline of only the amount over five percent (5%);

(2) Community colleges that experience an increase in enrollment shall not receive an increase in full–time equivalent student (FTE) enrollment funds until their enrollment increases more than three percent (3%). At that time, they shall experience an increase of only the amount over three percent (3%).

Requested by: Representatives Grady, Preston, Cummings,
Senators Plexico, Winner, Conder

FUNDS FOR "RETOOLING FOR THE YEAR 2000: GAINING THE COMPETITIVE EDGE"

Sec. 16.3. The funds appropriated in this act for the North Carolina Community College System shall be used to implement the provisions of G.S. 115D–8, "Retooling for the Year 2000: Gaining the Competitive Edge". These funds shall be for the following priorities in order to improve the ability of citizens to be competitive in the global economy:

(1) Improve training programs in high job demand skill areas;

(2) Enhance allied health programs, including nursing, physical, occupational, and respiratory therapy, and increase the number of trained students in these fields;

(3) Provide more technology education in order to ensure that all students are technologically proficient in today's workplace. More infrastructure, equipment, and highly trained faculty will be needed in this area;

(4) Increase short–term skill enhancement training through improved occupational extension training programs;

(5) Provide funds for high cost programs;

(6) Develop more "workplace literacy" programs at job sites in order to improve job security and advancement opportunities for workers;

(7) Provide more customized training for existing industries through the expansion of Focused Industrial Training (FIT) Centers;

(8) Improve opportunities for faculty to keep up–to–date with the latest technological changes in their fields by funding more professional development and return–to–industry programs; and

(9) Enhance all associate degree programs and facilitate the transfer of students with associate degrees pursuing baccalaureate degrees.

The State Board of Community Colleges shall adopt the "Education Blueprint" in accordance with G.S. 115D–8 and shall continue to provide its "Critical Success Factors" document in order to provide the General Assembly with the accountability for the expenditure of funds for the "Retooling for the Year 2000" programs.

Requested by: Representatives Grady, Preston,
Senators Plexico, Winner

RECEIPT ADJUSTMENT

Sec. 16.4. The Office of State Budget and Management and the Department of Community Colleges shall adjust annual tuition receipts for full–time equivalent students to reflect actual collections from the previous year, but shall not reduce the total requirements in their budget requests to the General Assembly.

The State Board of Community Colleges shall report to the Joint Legislative Education Oversight Committee on an annual basis on the cost of the tuition and fee exemptions established in G.S. 115D–5(b).

Requested by: Senators Perdue, Plexico, Winner, Conder,
Representatives Grady, Preston, Cummings

MISSION OF THE COMMUNITY COLLEGE SYSTEM

Sec. 16.7. (a) The General Assembly hereby designates the North Carolina Community College System as the primary lead agency for delivering job training, literacy, and adult education programs in the State. The State Board of Community Colleges shall study the facility and equipment needs of the System in order to fulfill this role. In addition, the Community College System shall develop strategies for cooperating with other State agencies in the delivery of workforce preparedness services.

(b) The Governor shall direct all State agencies to compile an inventory of all State and federal funds in their budgets for workforce preparedness and to prepare a plan for cooperating with the Community College System in the delivery of these programs.

(c) The results of the studies, inventories, and plans listed in subsections (a) and (b) of this section shall be reviewed by the State Education Cabinet and reported to the Joint Legislative Education Oversight Committee by March 15, 1996.

(d) If the United States Congress consolidates workforce preparedness programs into a block grant, it is the intent of the General Assembly for the Community College System to be the primary provider of job training, literacy, and adult education programs and services.

(e) Nothing in this section shall affect the authority of the Governor to act as the grant recipient for the receipt of federal funds.

PART 17. PUBLIC SCHOOLS

Requested by: Representatives Grady, Preston, Cummings,
Senators Winner, Plexico, Conder

EXCEPTIONAL CHILDREN FUNDS

Sec. 17. (a) The funds appropriated for exceptional children in Chapter

324 of the 1995 Session Laws shall be allocated as follows:

(1) Each local school administrative unit shall receive for academically gifted children the sum of $680.21 per child for three and nine-tenths percent (3.9%) of the 1994-95 actual average daily membership in the local school administrative unit, regardless of the number of children identified as academically gifted in the local school administrative unit. The total number of children for which funds shall be allocated pursuant to this subdivision is 44,609 for the 1995-96 school year.

(2) Each local school administrative unit shall receive for exceptional children other than academically gifted children the sum of $2,040.63 per child for the lesser of (i) all children who are identified as exceptional children other than academically gifted children or (ii) twelve and five-tenths percent (12.5%) of the 1994-95 actual average daily membership in the local school administrative unit. The maximum number of children for which funds shall be allocated pursuant to this subdivision is 131,642 for the 1995-96 school year.

(3) Each local school administrative unit in which more than twelve and five-tenths percent (12.5%) of the 1994-95 actual average daily membership are identified as exceptional children other than academically gifted children shall receive $427.35 per child in excess of the twelve and five-tenths percent (12.5%). These funds shall be used only for nonrecurring expenditures and other expenditures for exceptional children other than academically gifted children that do not impose future obligations on the State or local governments.

The dollar amounts allocated under this subsection for exceptional children shall also increase in accordance with legislative salary increments for personnel who serve exceptional children.

(b) The State Board of Education shall transfer part of these funds to a new allotment category for central office administrators, in accordance with the provisions of Chapter 450 of the 1995 Session Laws.

(c) The State Board of Education shall evaluate and review (i) the current process and criteria for designating students as children with special needs and (ii) the adequacy of State funding for children with special needs. The State Board shall report the results of its evaluation and review to the Joint Legislative Education Oversight Committee prior to March 15, 1996.

Requested by: Representatives Grady, Preston, Cummings, Senators Winner, Plexico, Conder

SUPPLEMENTAL FUNDING IN LOW-WEALTH COUNTIES

Sec. 17.1. (a) **Funds for supplemental funding.** — The General Assembly finds that it is appropriate to provide supplemental funds in low-wealth counties to allow those counties to enhance the instructional program and student achievement; therefore, of the funds appropriated to Aid to Local School Administrative Units, the sum of forty-one million four hundred eighty-three thousand eight hundred nine dollars ($41,483,809) for the 1995-96 fiscal year and the sum of ($41,483,809) for the 1996-97 fiscal year shall be used for supplemental funds for schools.

(b) **Use of funds for supplemental funding.** — Local school administrative units shall use funds received pursuant to this section only to provide instructional positions, instructional support positions, teacher assistant positions, clerical positions, instructional supplies and equipment, staff development, and textbooks; Provided, however, local school administrative units may also use up to ten percent (10%) of these funds for salary supplements for instructional personnel and instructional support personnel.

(c) **Definitions.** — As used in this section:

(1) "Anticipated county property tax revenue availability" means the county adjusted property tax base multiplied by the effective State average tax rate.

(2) "Anticipated total county revenue availability" means the sum of the
   a. Anticipated county property tax revenue availability,
   b. Local sales and use taxes received by the county that are levied under Chapter 1096 of the 1967 Session Laws or under Subchapter VIII of Chapter 105 of the General Statutes,
   c. Food stamp exemption reimbursement received by the county under G.S. 105-164.44C,
   d. Homestead exemption reimbursement received by the county under G.S. 105-277.1A,
   e. Inventory tax reimbursement received by the county under G.S. 105-275.1 and G.S. 105-277A,
   f. Intangibles tax distribution and reimbursement received by the county under G.S. 105-213 and G.S. 105-213.1, and
   g. Fines and forfeitures deposited in the county school fund for the most recent year for which data are available.

(3) "Anticipated total county revenue availability per student" means the anticipated total county revenue availability for the county divided by the average daily membership of the county.

(4) "Anticipated State average revenue availability per student" means the sum of all anticipated total county revenue availability divided by the average daily membership for the State.

(5) "Average daily membership" means average daily membership as defined in the North Carolina Public Schools Allotment Policy Manual, adopted by the State Board of Education. If a county contains only part of a local school administrative unit, the average daily membership of that county includes all students who reside within the county and attend that local school administrative unit.

(6) "County adjusted property tax base" shall be computed as follows:
   a. Subtract the present-use value of agricultural land, horticultural land, and forestland in the county, as defined in G.S. 105-277.2, from the total assessed real property valuation of the county,
   b. Adjust the resulting amount by multiplying by a weighted average of the three most recent annual sales assessment ratio studies,
   c. Add to the resulting amount the:
      1. Present-use value of agricultural land, horticultural land, and forestland, as defined in G.S. 105-277.2,

2. Value of property of public service companies, determined in accordance with Article 23 of Chapter 105 of the General Statutes, and
3. Personal property value for the county.

(7) "County adjusted property tax base per square mile" means the county adjusted property tax base divided by the number of square miles of land area in the county.

(8) "County wealth as a percentage of State average wealth" shall be computed as follows:

a. Compute the percentage that the county *per capita* income is of the State *per capita* income and weight the resulting percentage by a factor of five–tenths,

b. Compute the percentage that the anticipated total county revenue availability per student is of the anticipated State average revenue availability per student and weight the resulting percentage by a factor of four–tenths,

c. Compute the percentage that the county adjusted property tax base per square mile is of the State adjusted property tax base per square mile and weight the resulting percentage by a factor of one–tenth,

d. Add the three weighted percentages to derive the county wealth as a percentage of the State average wealth.

(9) "Effective county tax rate" means the actual county tax rate multiplied by a weighted average of the three most recent annual sales assessment ratio studies.

(10) "Effective State average tax rate" means the average of effective county tax rates for all counties.

(10a) For the 1995–96 fiscal year, "local current expense funds" means the most recent county current expense appropriations to public schools, as reported by counties in the annual county financial information report to the State Treasurer. For the 1996–97 fiscal year, "local current expense funds" means the most recent county current expense appropriations to public schools, as reported by local boards of education in the audit report filed with the Secretary of the Local Government Commission pursuant to G.S. 115C–447.

(11) "*Per capita* income" means the average for the most recent three years for which data are available of the per capita income according to the most recent report of the United States Department of Commerce, Bureau of Economic Analysis, including any reported modifications for prior years as outlined in the most recent report.

(12) "Sales assessment ratio studies" means sales assessment ratio studies performed by the Department of Revenue under G.S. 105–289(h).

(13) For the 1995–96 fiscal year, "State average current expense appropriations per student" means the most recent State total of county current expense appropriations to public schools, as reported by counties in the annual county financial information report to the State Treasurer. For the 1996–97 fiscal year, "State average current expense appropriations per student" means the most recent State total of county current expense appropriations to public schools, as reported by local boards of education

in the audit report filed with the Secretary of the Local Government Commission pursuant to G.S. 115C-447.

(14) "State average adjusted property tax base per square mile" means the sum of the county adjusted property tax bases for all counties divided by the number of square miles of land area in the State.

(14a) "Supplant" means to decrease local per student current expense appropriations from one fiscal year to the next fiscal year.

(15) "Weighted average of the three most recent annual sales assessment ratio studies" means the weighted average of the three most recent annual sales assessment ratio studies in the most recent years for which county current expense appropriations and adjusted property tax valuations are available. If real property in a county has been revalued one year prior to the most recent sales assessment ratio study, a weighted average of the two most recent sales assessment ratios shall be used. If property has been revalued the year of the most recent sales assessment ratio study, the sales assessment ratio for the year of revaluation shall be used.

(d) **Eligibility for funds.** — Except as provided in subsection (h) of this section, the State Board of Education shall allocate these funds to local school administrative units located in whole or in part in counties in which the county wealth as a percentage of the State average wealth is less than one hundred percent (100%).

(e) **Allocation of funds.** — Except as provided in subsection (g) of this section, the amount received per average daily membership for a county shall be the difference between the State average current expense appropriations per student and the current expense appropriations per student that the county could provide given the county's wealth and an average effort to fund public schools. (To derive the current expense appropriations per student that the county could be able to provide given the county's wealth and an average effort to fund public schools, multiply the county wealth as a percentage of State average wealth by the State average current expense appropriations per student.)

The funds for the local school administrative units located in whole or in part in the county shall be allocated to each local school administrative unit, located in whole or in part in the county, based on the average daily membership of the county's students in the school units.

If the funds appropriated for supplemental funding are not adequate to fund the formula fully, each local school administrative unit shall receive a pro rata share of the funds appropriated for supplemental funding.

(f) **Formula for distribution of supplemental funding pursuant to this section only.** — The formula in this section is solely a basis for distribution of supplemental funding for low-wealth counties and is not intended to reflect any measure of the adequacy of the educational program or funding for public schools. The formula is also not intended to reflect any commitment by the General Assembly to appropriate any additional supplemental funds for low-wealth counties.

(g) **Minimum effort required.** — A county that (i) maintains an effective county tax rate that is at least one hundred percent (100%) of the effective State average tax rate in the most recent year for which data are available or (ii) maintains a county appropriation per student to the school local current expense fund

of at least one hundred percent (100%) of the current expense appropriations per student to the school local current expense fund that the county could provide given the county's wealth and an average effort to fund public schools, shall receive full funding under this section. A county that maintains a county appropriation per student to the school local current expense fund of less than one hundred percent (100%) of the current expense appropriations per student to the school local current expense fund that the county could provide given the county's wealth and an average effort to fund public schools shall receive funding under this section at the same percentage that the county's appropriation per student to the school local current expense fund is of the current expense appropriations per student to the school local current expense fund that the county could provide given the county's wealth and an average effort to fund public schools.

(h) **Nonsupplant requirement.** — A county in which a local school administrative unit receives funds under this section shall use the funds to supplement local current expense funds and shall not supplant local current expense funds. For the 1995–97 fiscal biennium, the State Board of Education shall not allocate funds under this section to a county found to have used these funds to supplant local per student current expense funds. The State Board of Education shall make a finding that a county has used these funds to supplant local current expense funds in the prior year, or the year for which the most recent data are available, if:

(1) The current expense appropriation per student of the county for the current year is less than ninety–five percent (95%) of the average of the local current expense appropriations per student for the three prior fiscal years; and

(2) The county cannot show (i) that it has remedied the deficiency in funding, or (ii) that extraordinary circumstances caused the county to supplant local current expense funds with funds allocated under this section.

The State Board of Education shall adopt rules to implement this section.

(i) **Reports.** — The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to May 1, 1996, on its analysis of whether counties supplanted funds.

(j) **Department of Revenue reports.** — The Department of Revenue shall provide to the Department of Public Instruction a preliminary report for the current fiscal year of the assessed value of the property tax base for each county prior to March 1 of each year and a final report prior to May 1 of each year. The reports shall include for each county the annual sales assessment ratio and the taxable values of (i) total real property, (ii) the portion of total real property represented by the present–use value of agricultural land, horticultural land, and forestland as defined in G.S. 105–277.2, (iii) property of public service companies determined in accordance with Article 23 of Chapter 105 of the General Statutes, and (iv) personal property.

Requested by: Representatives Grady, Preston, Cummings,
Senators Winner, Plexico, Conder

SMALL SCHOOL SYSTEM SUPPLEMENTAL FUNDING

Sec. 17.2. (a) **Funds for small school systems.** — Except as provided in subsection (b) of this section, the State Board of Education shall allocate funds appropriated for small school system supplemental funding (i) to each county school administrative unit with an average daily membership of less than 3,150

students and (ii) to each county school administrative unit with an average daily membership of from 3,150 to 4,000 students if the county in which the local school administrative unit is located has a county adjusted property tax base per student that is below the State adjusted property tax base per student and if the total average daily membership of all local school administrative units located within the county is from 3,150 to 4,000 students. The allocation formula shall:

(1) Round all fractions of positions to the next whole position.

(2) Provide five and one-half additional regular classroom teachers in counties in which the average daily membership per square mile is greater than four and seven additional regular classroom teachers in counties in which the average daily membership per square mile is four or less.

(3) Provide additional program enhancement teachers adequate to offer the standard course of study.

(4) Change the duty-free period allocation to one teacher assistant per 400 average daily membership.

(5) Provide a base for the consolidated funds allotment of at least one hundred fifty thousand dollars ($150,000), excluding textbooks.

(6) Allot vocational education funds for grade 6 as well as for grades 7-12.

If funds appropriated for each fiscal year for small school system supplemental funding are not adequate to fund fully the program, the State Board of Education shall reduce the amount allocated to each county school administrative unit on a pro rata basis. This formula is solely a basis for distribution of supplemental funding for certain county school administrative units and is not intended to reflect any measure of the adequacy of the educational program or funding for public schools. The formula is also not intended to reflect any commitment by the General Assembly to appropriate any additional supplemental funds for such county administrative units.

(b) **Nonsupplant requirement.** — A county in which a local school administrative unit receives funds under this section shall use the funds to supplement local current expense funds and shall not supplant local current expense funds. For the 1995-97 fiscal biennium, the State Board of Education shall not allocate funds under this section to a county found to have used these funds to supplant local per student current expense funds. The State Board of Education shall make a finding that a county has used these funds to supplant local current expense funds in the prior year, or the year for which the most recent data are available, if:

(1) The current expense appropriation per student of the county for the current year is less than ninety-five percent (95%) of the average of the local current expense appropriations per student for the three prior fiscal years; and

(2) The county cannot show (i) that it has remedied the deficiency in funding, or (ii) that extraordinary circumstances caused the county to supplant local current expense funds with funds allocated under this section.

The State Board of Education shall adopt rules to implement this section.

(c) **Phase-out provision.** — If a local school administrative unit becomes ineligible for funding under this formula solely because of an increase in population or an increase in the county adjusted property tax base per student of the

county in which the local school administrative unit is located, funding for that unit shall be phased–out over a two year period. For the first year of ineligibility, the unit shall receive the same amount it received for the prior fiscal year. For the second year of ineligibility, it shall receive half of that amount.

(d) **Definitions.** — As used in this section:

(1) "Average daily membership" means within two percent (2%) of the average daily membership as defined in the North Carolina Public Schools Allotment Policy Manual, adopted by the State Board of Education.

(2) "County adjusted property tax base per student" means the total assessed property valuation for each county, adjusted using a weighted average of the three most recent annual sales assessment ratio studies, divided by the total number of students in average daily membership who reside within the county.

(2a) For the 1995–96 fiscal year, "local current expense funds" means the most recent county current expense appropriations to public schools, as reported by counties in the annual county financial information report to the State Treasurer. For the 1996–97 fiscal year, "local current expense funds" means the most recent county current expense appropriations to public schools, as reported by local boards of education in the audit report filed with the Secretary of the Local Government Commission pursuant to G.S. 115C–447.

(3) "Sales assessment ratio studies" means sales assessment ratio studies performed by the Department of Revenue under G.S. 105–289(h).

(4) "State adjusted property tax base per student" means the sum of all county adjusted property tax bases divided by the total number of students in average daily membership who reside within the State.

(4a) "Supplant" means to decrease local per student current expense appropriations from one fiscal year to the next fiscal year.

(5) "Weighted average of the three most recent annual sales assessment ratio studies" means the weighted average of the three most recent annual sales assessment ratio studies in the most recent years for which county current expense appropriations and adjusted property tax valuations are available. If real property in a county has been revalued one year prior to the most recent sales assessment ratio study, a weighted average of the two most recent sales assessment ratios shall be used. If property has been revalued the year of the most recent sales assessment ratio study, the sales assessment ratio for the year of revaluation shall be used.

(e) **Reports.** — The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to May 1, 1996, on the results of its analysis of whether counties supplanted funds.

Requested by: Senators Winner, Plexico, Conder,
Representatives Grady, Preston, Cummings

SCHOOL TECHNOLOGY RESERVE

Sec. 17.3. The funds in the amount of forty–two million dollars ($42,000,000) appropriated for the 1994–95 fiscal year to the Office of State Budget and Management, School Technology Reserve, are transferred to the State Board of Education, State School Technology Fund. These funds shall be allocated

by the State Board of Education to the credit of local school administrative units as follows:

(1) Ten percent (10%) of these funds shall be allocated in accordance with the low-wealth county supplemental school funding formula set out in Section 138 of Chapter 321 of the 1993 Session Laws, as rewritten by Section 19.32 of Chapter 769 of the 1993 Session Laws; and

(2) Ninety percent (90%) of these funds shall be allocated on the basis of average daily membership: Provided, however, the State Board shall use part of these funds, as necessary, to ensure that the sum total of the allocations to all of the local school administrative units located within each county is at least $50,000.

Before a local school technology plan is approved by the State Board of Education, a local board of education may use up to ten percent (10%) of the funds credited to it in the Fund to develop its local school technology plan or, to the extent that these funds are not needed to develop the local school technology plan, for staff development to improve the use of instructional technology. After a local school technology plan is reviewed by the Department of Public Instruction and the Information Resources Management Commission and approved by the State Board of Education, a local board of education may use the remainder of these funds for nonpersonnel expenses to implement its local school technology plan, including staff development, hardware, software, networks, maintenance contracts, and school facility modifications necessary for the installation of equipment.

Two or more local school administrative units may jointly expend funds to develop their individual local school technology plans, for staff development, or to implement their individual local school technology plans.

Requested by: Representatives Grady, Preston, Cummings, Senators Winner, Plexico, Conder

LITIGATION RESERVE

Sec. 17.4. (a) Funds appropriated to the Department of Public Instruction for the 1994-95 fiscal year for the Litigation Reserve that are not expended or encumbered on June 30, 1995, are transferred to the State Board of Education. These funds shall not revert on July 1, 1995, but shall remain available for expenditure until June 30, 1997.

(b) The State Board of Education may expend up to five hundred thousand dollars ($500,000) for the 1995-96 fiscal year from unexpended funds for certified employees' salaries to pay expenses related to pending litigation.

(c) Subsection (a) of this section becomes effective June 30, 1995.

Requested by: Representatives Grady, Preston, Senators Winner, Plexico

EDUCATION EXPENDITURE REPORT DUE DATE

Sec. 17.5. G.S. 105-503(b) reads as rewritten:

"(b) On or before ~~February 15~~ May 1 of each year the Local Government Commission shall furnish to the General Assembly a report of the level of each

county's appropriations for public school capital outlay (including retirement of indebtedness incurred and monies reserved for these purposes), include the amount each county has provided for public school capital outlay for a period including at a minimum the most recent five fiscal years, estimates of public school facility needs, the proportion of revenue from taxes collected under Article 40 of this Chapter that has been provided for public school capital outlay purposes (including retirement of indebtedness incurred and monies reserved for these purposes), the proportion of revenue collected under this Article that has been expended for a public school capital outlay purposes (including retirement of indebtedness incurred and monies reserved for these purposes), and any other factors it deems relevant to carrying out the intent stated in subsection (a) of this section."

Requested by: Representatives Grady, Preston,
Senators Winner, Plexico

ELIMINATION OF OBSOLETE REPORTS ON MAINTENANCE CONTRACTS; EXCHANGE OF INFORMATION WITHIN STATE EDUCATION AGENCIES

Sec. 17.6. (a) Section 38(b) of Chapter 500 of the 1989 Session Laws is repealed.

(b) Section 6 of Chapter 880 of the 1991 Session Laws reads as rewritten:

"Sec. 6. A joint report of progress made to develop a system to provide an exchange of information shall be made to the Joint Legislative Education Oversight Committee no later than February 15, ~~1993, and annually thereafter.~~ 1996."

Requested by: Representatives Grady, Preston, Cummings,
Senators Winner, Plexico, Conder

EXPANSION BUDGET APPROPRIATIONS OF SAVINGS FROM THE REORGANIZATION OF THE DEPARTMENT OF PUBLIC INSTRUCTION

Sec. 17.7. Of the funds appropriated to State Aid to Local School Administrative Units, the State Board of Education shall allocate the sum of nine million three hundred eighteen thousand four hundred thirty-six dollars ($9,318,436) for the 1995-96 fiscal year and the sum of ten million six hundred sixty-five thousand two hundred twenty dollars ($10,665,220) for the 1996-97 fiscal year to local school administrative units. Of these funds:

(1) The sum of $3,000,000 for the 1995-96 fiscal year and the sum of $3,000,000 for the 1996-97 fiscal year shall be used for textbooks;

(2) The sum of $6,318,436 for the 1995-96 fiscal year and the sum of $7,665,220 for the 1996-97 fiscal year shall be used to reduce the funded allotment ratio to one teacher for every 23 students in first grade.

Requested by: Senators Winner, Plexico, Conder,
Representatives Grady, Preston, Cummings

MODIFICATION OF TRANSFER FUNDS FOR TACS TO LOCAL SCHOOL ADMINISTRATIVE UNITS

Sec. 17.8. Section 17.7 of Chapter 324 of the 1995 Session Laws reads as rewritten:

"Sec. 17.7. Effective July 1, 1996, the State Board of Education shall reallocate funds from Technical Assistance Centers to local school administrative units in accordance with a formula adopted by the State ~~Board.~~ Board: Provided, however, if all of the local school administrative units in the service area of a Technical

Assistance Center agree on a plan for use of funds allocated to that Technical Assistance Center, the State Board of Education may reallocate the funds for that Technical Assistance Center on such earlier date as the State Board of Education may determine is appropriate. Local boards of education may use these funds to contract with Technical Assistance Centers, contract with other entities, hire personnel, or otherwise acquire staff development, training, planning, and other forms of technical assistance.

The Technical Assistance Centers shall remain a part of the Department of Public Instruction but shall be funded solely by receipts from local boards of education and from other non-State sources. If no such funds are available for a Technical Assistance Center, that Center shall be abolished or consolidated with another Center by the State Board. The State Board shall establish a management structure for the Technical Assistance Centers that enables superintendents, principals, and teachers from the local school administrative units to be served by the Centers to have input into the priorities and personnel decisions at the Centers."

Requested by: Representatives Grady, Preston, Cummings, Senators Winner, Plexico, Conder

ALTERNATIVE LEARNING PROGRAMS

Sec. 17.9. (a) G.S. 115C-238.41(c)(3)d. reads as rewritten:

"d. Alternative Learning Program Model. — An Alternative Learning Program is a program that ~~provides~~ serves students at any level, serves suspended or expelled students, serves students whose learning styles are better served in an alternative program, or is designed to use multiple strategies, which serve students in the standard classroom or provide individualized programs outside of a standard classroom setting in a caring atmosphere in which students learn the skills necessary to redirect their lives and return to a standard classroom setting. ~~The~~ A program should maintain State standards and may include smaller classes and lower student/teacher ratios, school-to-work transition activities, modification of curriculum and instruction to meet individual needs, flexible scheduling, and necessary academic, vocational, and support services for students and their families. A program also may be provided under contract with a local, private, nonprofit 501(c)(3) corporation. Services ~~may~~ also may include appropriate measures to correct disruptive behavior, teach responsibility, good citizenship, and respect for rules and authority.

An alternative learning program should have a well-defined mission, offer appropriate educational opportunities, and hold high expectations for staff and students. The goals of the program should target ~~The goals of the alternative school programs should be to (i) reduce the school dropout rate~~ reducing school dropout rates through improved student attendance, behavior, and educational ~~achievement; and (ii)~~ achievement. When appropriate, programs should increase successful school-to-work transitions for students through educationally linked job internships, mentored job shadowing experiences, and the

development of personalized education and career plans for participating students."

(b) G.S. 115C–238.41(c) is amended by adding a new subdivision to read:

"(8) The process to be followed if students may be referred and placed on an involuntary basis into alternative learning programs in connection with suspension or expulsion. This process shall be based on model guidelines developed by the State Board of Education."

(c) G.S. 115C–238.43 reads as rewritten:

"§ **115C–238.43. Award of grants.**

(a) In selecting grant recipients, the State Board shall consider (i) the recommendations of the Superintendent, (ii) the geographic location of the applicants, and (iii) the demographic profile of the applicants. After considering these factors, the State Board shall give priority to grant applications that will serve areas that have a high incidence of juvenile crime and that propose different approaches that can serve as models for other communities.

The State Board shall select the grant recipients prior to July 15, 1994, for local programs that will be in operation at the beginning of the 1994–95 school year. The State Board shall select the grant recipients prior to October 1, 1994, for local programs that will be in operation after the beginning of the 1994–95 school year.

(b) Notwithstanding subsection (a) of this section, in awarding grants for alternative learning programs for the 1995–96 school year, the State Board shall give preference to local school administrative units with low numbers of alternative learning programs relative to average daily membership or high incidences of juvenile crime."

(d) G.S. 115C–238.47 reads as rewritten:

"§ **115C–238.47. Program evaluation; reporting requirements.**

(a) The ~~Department of Public Instruction~~ State Board of Education shall develop and implement an evaluation ~~system, under the direction of the State Board of Education,~~ system that will assess the efficiency and effectiveness of the Intervention/Prevention Grant Program. The ~~Department~~ State Board shall design this system to:

(1) Provide information to local program administrators and teachers, the ~~Department~~ State Board, and to the General Assembly on how to improve and refine the programs;

(2) Enable local program administrators and teachers, the ~~Department~~ State Board, and the General Assembly to assess the overall quality, efficiency, and impact of the existing programs;

(3) Enable the ~~Department~~ State Board and the General Assembly to determine whether to modify the Intervention/Prevention Grant Program; ~~and~~

(4) Provide a detailed fiscal analysis of how State funds for these programs were ~~used.~~ used; and

(5) Evaluate over a five–year period, beginning with the 1995–96 school year, the success of, the quality of educational opportunities that are offered in, and the effectiveness of alternative learning programs in the public schools.

(a1) Before its annual report on February 15, 1996, and annually thereafter, the Board shall provide an opportunity for local program administrators, and particularly alternative learning program administrators and educators, to comment on the

evaluation system. The Board shall consider these comments in any proposed modification to the system.

(b) The State Board of Education shall report to the General Assembly and the Joint Legislative Education Oversight Committee by May 15, 1994, on its progress in developing the evaluation system and in developing and implementing the program. It shall report prior to February 1, 1995, on the evaluation system ~~developed by the Department~~ and on program implementation. The State Board of Education shall present an annual report on ~~October 1, 1995,~~ February 15, 1996, and annually thereafter to the General Assembly and to the Joint Legislative Education Oversight Committee on (i) the implementation of the program, (ii) the results of the program evaluation, (iii) how the funds appropriated by the General Assembly for the program are being used, (iv) additional funds required to implement the program, ~~and~~ (v) any necessary modifications to the ~~program.~~ program, and (vi) comments received from local program administrators, and particularly alternative learning program administrators and educators, concerning the evaluation system and the program generally."

(e) The State Board of Education shall convene an Alternative Educators Planning Group of up to 15 outstanding practicing alternative school educators so that they may define the needs for technical assistance and training for alternative school educators and determine how to best meet those needs. The educators shall represent the geographic, racial, and gender diversity of the State and shall include administrators, teachers, and counselors. The State Board shall solicit the recommendations of alternative school educators to determine the membership of the group. The educators shall elect a chairperson from among the group and shall determine a meeting schedule to suit their needs. The State Board shall provide meeting space and clerical assistance. The Planning Group shall report the plan for service to the State Board of Education and the Joint Legislative Education Oversight Committee no later than February 1, 1996, at which time the Planning Group shall terminate, though nothing in this act shall prevent the group from continuing to meet on a voluntary basis. Members of the Alternative Educators Planning Group shall receive *per diem*, subsistence, and travel allowances in accordance with G.S. 138–5 or G.S. 138–6, as appropriate.

Based on the technical assistance and training needs identified by the Alternative Educators Planning Group, the State Board of Education shall coordinate the efforts of its specialists and, to the extent possible, of specialists in other public and private agencies to provide coordinated assistance to alternative learning programs in local school administrative units. The specialists should include, but are not limited to, those in the areas of dropout prevention, drug abuse prevention, in–school suspension, and children with special needs.

(f) The State Board of Education shall study the issue of referral and placement of students into alternative learning programs and shall develop model guidelines that local school administrative units may use for the referral and placement of students into alternative learning programs. In developing these guidelines, the Board shall consider the different methods of referral, whether placement in the programs is voluntary or mandatory, and any due process or other legal issues that may apply. In developing these guidelines, the Board shall consult with the Alternative Educators Planning Group created in subsection (e) of this section, shall solicit comments from other alternative school educators in the State, and may consult with representatives of the North Carolina School Boards Association

and other professional education organizations. The Board shall develop and disseminate the model guidelines to local school boards no later than February 1, 1996. The local school boards shall then disseminate these guidelines to their alternative learning programs.

(g) The funds appropriated in this act for the 1995–96 fiscal year to State Aid to Local School Administrative Units for alternative learning programs shall be used for start–up costs for new or expanded programs to implement alternative learning programs. These funds shall be available to a local school administrative unit for one year only.

Of these funds, up to two hundred thousand dollars ($200,000) may be used by the State Board of Education to implement this section, including the evaluation of alternative learning programs.

(h) The funds appropriated in this act for the 1996–97 fiscal year to State Aid to Local School Administrative Units for alternative learning programs shall be used by the State Board to increase the Alternative Schools/At–Risk Student Allotment.

Of these funds, up to two hundred thousand dollars ($200,000) may be used by the State Board of Education to implement this section, including the evaluation of alternative learning programs.

(i) The State Board of Education, working with local school administrative units, shall develop a plan to provide access to alternative schools for secondary students in all local school administrative units. In developing the plan, the State Board shall consider redirecting existing funds for dropout prevention, including federal funds, intervention/prevention grant funds, and other State funds.

Requested by: Senators Winner, Plexico, Conder,
Representatives Grady, Preston, Cummings

SCHOOL–BASED INCENTIVE AWARD FUNDS

Sec. 17.10. (a) The State Board of Education shall use funds appropriated for the 1995–96 fiscal year for school–based awards to establish a school–based incentive award pilot program in up to 10 local school administrative units. The State Board of Education may include all or part of the schools in a local school administrative unit.

(b) The State Board shall set goals for individual schools in local school administrative units participating in the pilot program. Individual schools that exceed those goals shall receive incentive grants in amounts set by the State Board.

A school may use these incentive funds in accordance with a plan that has been:

(1) Developed by the school improvement team;

(2) Submitted to the principal, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to that school for their review and vote in the same manner that a school improvement plan is approved under G.S. 115C–238.3(b1); and

(3) Approved by the local board of education.

The local board of education shall approve the plan developed by the school unless the plan involves expenditures of funds that are not for a public purpose or that are otherwise unlawful.

(c) The State Board of Education shall report plans for expanding the School–Based Award Program on a statewide basis to the Joint Legislative Education Oversight Committee by January 15, 1996.

Requested by: Representatives Grady, Preston, Cummings,
Senators Winner, Plexico, Conder

FUNDS FOR NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS

Sec. 17.11. The National Board for Professional Teaching Standards (NBPTS) was established in 1987 as an independent, nonprofit organization to establish high standards for teachers' knowledge and performance and for development and operation of a national voluntary system to assess and certify teachers who meet those standards. In order to apply for the NBPTS certification process, teachers must have three years or more of teaching experience, be currently teaching, have graduated from an accredited college or university, and hold a valid State teaching license. Upon successful completion of a year–long process of developing a portfolio of student work and videotapes of teaching/learning activities for NBPTS review and then participating in NBPTS assessment center simulation exercises, including performance–based activities and a content knowledge examination, teachers may become NBPTS–certified.

Of the funds appropriated to the Department of Public Instruction in this act, the sum of:

(1) Two hundred thirty thousand seven hundred seventy–six dollars ($230,776) for the 1995–96 fiscal year shall be used to pay for the National Board for Professional Teaching Standards (NBPTS) participation fee and for up to three days of approved paid leave for teachers participating in the NBPTS program during the 1995–96 school year for State–paid teachers who (i) have completed three years of teaching in North Carolina schools operated by local boards of education, the Department of Human Resources, the Department of Correction, or The University of North Carolina, or affiliated with The University of North Carolina, prior to application for NBPTS certification, and (ii) who have not previously received State funds for participating in any certification area in the NBPTS program. Teachers participating in the program shall take paid leave only with the approval of their supervisors.

A teacher for whom the State pays the participation fee (i) who does not complete the process or (ii) who completes the process but does not teach in a North Carolina public school for at least one year after completing the process, shall repay the certification fee to the State. Repayment is not required if the process is not completed or the teacher fails to teach for one year due to the death or disability of the teacher or other extenuating circumstances as may be recognized by the State Board.

(2) Two hundred forty–five thousand five hundred eighty–two dollars ($245,582) shall be used for an annual bonus of four percent (4%) of the teacher's State–paid salary for the 10–month school year for State–paid teachers who (i) completed three years of teaching in North Carolina schools operated by local boards of education, the Department of Human Resources, the Department of Correction, or The University of North Carolina prior to application for NBPTS certification and (ii) complete the NBPTS certification process. The bonus for each fiscal year shall be paid at the end of each full school

year that the teacher teaches full time in a North Carolina school operated by local boards of education, the Department of Human Resources, the Department of Correction, or The University of North Carolina. Teachers shall continue this bonus only as long as they retain NBPTS certification.

Requested by: Senators Winner, Plexico, Conder,
Representatives Grady, Preston, Cummings

FUNDS TO REDUCE CLASS SIZE IN GRADE 1

Sec. 17.12. The funds appropriated in this act to reduce class size in first grade shall be allocated by the State Board of Education to local school administrative units on the basis of one teacher for every 23 students in first grade. Local school administrative units shall use these funds (i) to reduce class size in first grade to 23 or fewer students or (ii) to hire reading teachers within kindergarten through third grade or otherwise reduce the student–teacher ratio within kindergarten through third grade.

For the purpose of calculating the maximum allowable class size for first grade, the ratio of teachers to students shall be 1 to 26.

Requested by: Senators Albertson, Winner, Plexico, Conder,
Representatives Grady, Preston, Cummings

TEACHER VACATION LEAVE FOR ADOPTIVE PARENTS

Sec. 17.13. G.S. 115C–302 is amended by adding a new subsection to read:

"(f) A teacher may use annual leave, personal leave, or leave without pay to care for a newborn child or for a child placed with the teacher for adoption or foster care. The leave may be for consecutive workdays during the first 12 months after the date of birth or placement of the child, unless the the teacher and local board of education agree otherwise.

The total of all such leave time shall be no more than 12 weeks."

Requested by: Senators Perdue, Plexico, Winner, Conder,
Representatives Grady, Preston, Cummings

CONTINUE MORATORIUM ALGEBRA I RULE

Sec. 17.14. Section 3 of Chapter 371 of the 1995 Session Laws reads as rewritten:

"Sec. 3. This act is effective upon ~~ratification, and expires on June 30, 1997.~~ ratification."

Requested by: Representatives Grady, Preston, Cummings,
Senators Perdue, Ballance, Winner, Plexico, Conder

RESERVE FOR EDUCATION PURPOSES/USES OF FUNDS

Sec. 17.15. The Director of the Budget shall allocate funds transferred to the Reserve for Education Purposes pursuant to Section 27.10A1 of this act as follows:

(1) Two–thirds of the funds shall be allocated to the State Board of Education. These funds shall be allocated by the State Board of Education to the credit of local school administrative units for textbooks and the State School Technology Fund.

(2) One–third of the funds shall be allocated to the Department of Community Colleges. The State Board of Community Colleges shall allocate these funds to community colleges for equipment and technology.

Requested by: Senators Perdue, Winner, Plexico, Conder, Representatives Grady, Preston, Cummings

PUBLIC SCHOOL PLAN

Sec. 17.16. The State Board of Education shall develop a plan to coordinate its vocational and technical education and job–training efforts with the Community College System. The plan shall include a review of the public schools' facility and equipment needs specifically related to vocational and technical education and job training and an outline of necessary modifications to existing public school policies. The State Board shall submit the results of its study for review to the State Education Cabinet. After that review, the State Board shall report the results of its study to the Joint Legislative Education Oversight Committee by December 1, 1996.

Requested by: Representatives Grady, Preston, Cummings, Senators Winner, Plexico, Conder

SCHOOL TRANSPORTATION FORMULA

Sec. 17.17. Of the funds appropriated to Aid to Local School Administrative Units for the 1995–96 fiscal year for public school transportation, the State Board of Education may use up to two hundred fifty thousand dollars ($250,000) to review the formula used to allocate funds for public school transportation and to assist local school administrative units in improving the efficiency of their transportation systems.

PART 18. DEPARTMENT OF TRANSPORTATION

Requested by: Representatives Barbee, Bowie, Culpepper, Senator Hoyle

NORTHEASTERN REGIONAL AIRPORT MATCHING FUNDS

Sec. 18. Of the funds appropriated in the Continuation Budget Operations Appropriations Act of 1995 to the Department of Commerce for allocation to the Northeast North Carolina Regional Economic Development Commission, the sum of one hundred twenty–five thousand dollars ($125,000) in each fiscal year shall be transferred to the Department of Transportation for allocation as a local match for projects at the Northeastern Regional Airport in Edenton.

Funds used as a local match shall be used for projects that have been approved by the Northeastern Regional Airport Commission and have been included in the transportation improvement plan adopted by the Board of Transportation.

The State–local fund matching limitations contained in Article 7 of Chapter 63 of the General Statutes shall not apply to the State funds used as a local match pursuant to this section.

Requested by: Representatives Barbee, Bowie, Senator Hoyle

JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY LIENS ON TOWED AND STORED VEHICLES

Sec. 18.1. The Joint Legislative Transportation Oversight Committee shall

study the enforcement of liens on motor vehicles that have been towed and stored, including the following issues:

(1) Whether the time period after which a lien can be satisfied on a motor vehicle for unpaid repair, towing, or storing charges should be shortened, and whether any other time periods relating to liens on towed and stored motor vehicles should be shortened;

(2) Whether the amount of time that a vehicle can be left on the property of another person, including a business engaged in automobile repair, towing, or storage, before that vehicle is considered to be abandoned should be shortened;

(3) Whether the cost of towing should be included in the amount of a lien;

(4) Whether new procedures should be established for disposal of low-value vehicles to satisfy liens;

(5) Whether the last registered owner of an abandoned vehicle that has been towed and stored should be charged with a traffic offense, should be liable for any restitution, or should be penalized in any other manner; and

(6) Other issues related to the towing and storage of motor vehicles and liens on those vehicles.

The Joint Legislative Transportation Oversight Committee shall report the results of this study, including any legislative recommendations, to the 1995 General Assembly, Regular Session 1996.

Requested by: Representatives Barbee, Bowie, Sherrill, Senator Hoyle

DEPARTMENT OF TRANSPORTATION TO PROVIDE CONSTRUCTION AND MAINTENANCE SERVICES AT THE GOVERNOR'S WESTERN RESIDENCE

Sec. 18.2. G.S. 136-18(13) reads as rewritten:

"(13) The Department of Transportation ~~is authorized and empowered to~~ may construct and maintain all walkways and driveways within the Mansion Square in the City of Raleigh and the Western Residence of the Governor in the City of Asheville including the approaches connecting with the city streets, and any funds expended therefor shall be a charge against general maintenance."

Requested by: Senators Hoyle, Edwards, Representatives Barbee, Bowie, Crawford

PURCHASE OF CENTURY CENTER CAMPUS FACILITY

Sec. 18.3. Revenue collected into the Highway Trust Fund in excess of the certified budget for the fiscal year ending June 30, 1995, may be reserved and used, to the extent necessary, by the Department of Transportation to acquire the capital facility known as the Century Center Campus.

Requested by: Senators Hoyle, Edwards, Representatives Barbee, Bowie, Sherrill, Crawford

JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY DIVISION OF MOTOR VEHICLES WAKE COUNTY SERVICE FACILITY

Sec. 18.4. The Joint Legislative Transportation Oversight Committee may

study a Division of Motor Vehicles Campus in Wake County, including a Customer Service Facility. The Committee may consider:

(1) The need for a new DMV facility in Wake County;
(2) The location and design of any proposed DMV Campus;
(3) The phased construction and total life-cycle cost of any DMV Campus;
(4) The renovation, replacement, or subsequent use of the existing DMV structures on New Bern Avenue; and
(5) Other matters relating to Division of Motor Vehicles offices and services in Wake County.

The Department of Transportation, the State Construction Office, the Capital Planning Commission, and other State agencies shall assist the Joint Legislative Transportation Oversight Committee in conducting any study of these matters.

The Joint Legislative Transportation Oversight Committee may report its findings on this matter to the 1995 General Assembly, Regular Session 1996.

Requested by: Representatives Barbee, Bowie, Sherrill, Crawford, Senators Hoyle, Edwards

SMALL URBAN CONSTRUCTION PROGRAM FUNDS INCREASED

Sec. 18.5. Section 18.12 of Chapter 324 of the 1995 Session Laws reads as rewritten:

"Sec. 18.12. Of the funds appropriated in this act to the Department of ~~Transportation,~~ Transportation:

(1) ~~fourteen~~ Fourteen million dollars ($14,000,000) shall be allocated in each fiscal year for small urban construction projects. These funds shall be allocated equally in each fiscal year of the biennium among the 14 Highway Divisions for the small urban construction program for small urban construction projects that are located within the area covered by a one-mile radius of the municipal corporate limits.
(2) ~~Discretionary funds of six~~ Nine million dollars ~~($6,000,000)~~ ($9,000,000) shall be used statewide for rural or small urban highway ~~improvements~~ improvements, industrial access roads, and spot-safety projects as approved by the Secretary of the Department of Transportation.

None of these funds used for rural secondary road construction are subject to the county allocation formula as provided in G.S. 136-44.5.

The Department of Transportation shall report to the members of the General Assembly on projects funded pursuant to this section in each member's district prior to the Board of Transportation's action. The Department shall make a quarterly comprehensive report on the use of these funds to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division."

Requested by: Representatives McLaughlin, Barbee, Bowie, Crawford, Senators Hoyle, Edwards

DEPARTMENT OF TRANSPORTATION MAY USE CERTAIN SALARY FUNDS FOR DIVISION OF MOTOR VEHICLE CLASSIFICATIONS

Sec. 18.13. Notwithstanding any other provision of law, the Department of Transportation may use the funds appropriated in Section 3 of Chapter 324 of the 1995 Session Laws for a Reserve of Salary Adjustments and any additional available salary funds for the following Division of Motor Vehicles reclassifications, that

were reclassified as a result of the Officer Support Services Occupational Group Study mandated by the Office of State Personnel: Customer Service Representatives Classifications, Traffic Records Clerical Staff, and International Registration Plan positions.

Requested by: Representatives Barbee, Bowie, Crawford,
Senators Hoyle, Edwards

ORGANIZATIONAL AND BUSINESS PRACTICES STUDY OF THE DIVISION OF MOTOR VEHICLES

Sec. 18.14. (a) The Joint Legislative Commission on Governmental Operations shall conduct a study of the Division of Motor Vehicles.

The study may include an assessment and recommendations for change of the Division's statutory responsibilities and functions, organizational structure, processes, and business practices.

The Joint Legislative Commission on Governmental Operations may enter into a contract with a private consulting firm to conduct this study. The Department of Transportation shall be consulted in the preparation of the request for proposal for consultant services.

The Joint Legislative Commission on Governmental Operations shall report its findings and recommendations based on this study to the 1995 General Assembly, Regular Session 1996.

(b) Of the funds appropriated from the Highway Fund to the Legislative Services Commission in this act the sum of two hundred thousand dollars ($200,000) for the 1995–96 fiscal year shall be used to fund the study of the Division of Motor Vehicles by the Joint Legislative Commission on Governmental Operations authorized by subsection (a) of this section.

No new positions may be added, or programs expanded, in the Division of Motor Vehicles until the study is completed and the General Assembly has acted upon the study recommendations.

Requested by: Senators Hoyle, Edwards,
Representatives Barbee, Bowie, Crawford

INCREASE ALLOCATION TO WILDLIFE RESOURCES COMMISSION

Sec. 18.16. G.S. 105–449.126, as enacted by Chapter 390 of the 1995 Session Laws, reads as rewritten:

"**§ 105–449.126. Distribution of part of Highway Fund allocation to Wildlife Resources Fund.**

The Secretary shall credit to the Wildlife Resources Fund one–sixth of one percent (1/6 of 1%) of the amount that is allocated to the Highway Fund under G.S. 105–449.125 and is from the excise tax on ~~gasoline or blended fuel that contains gasoline.~~ motor fuel. Revenue credited to the Wildlife Resources Fund under this section may be used only for the boating and water safety activities described in G.S. 75A–3(c). The Secretary must credit revenue to the Wildlife Resources Fund on an annual basis."

Requested by: Senators Hoyle, Edwards,
Representatives Barbee, Bowie, Crawford

VISITOR CENTER OPERATIONAL FUNDS

Sec. 18.17. (a) G.S. 20–79.7(c)(2), as rewritten by Section 18.7 of Chapter 324 of the 1995 Session Laws, reads as rewritten:

"(2) From the funds remaining in the Special Registration Plate Account after the deductions in accordance with subdivision (1) of this subsection, there is appropriated from the Special Registration Plate Account the sum of ~~four hundred fifty thousand dollars ($450,000)~~ five hundred twenty-five thousand dollars ($525,000) for the 1995-96 fiscal year to provide operating assistance for the Visitor and Welcome Centers:

a. on U.S. Highway 17 in Camden County, ($75,000);
b. on U.S. Highway 17 in Brunswick County, ($75,000);
c. on U.S. Highway 441 in Macon County, ($75,000);
d. in the Town of Boone, Watauga County, ($75,000);
e. on U.S. Highway 29 in Caswell County, ($75,000); ~~and~~
f. on U.S. Highway 70 in Carteret County, ($75,000). ; and
g. on U.S. Highway 64 in Tyrrell County, ($75,000)."

(b) The Department of Transportation shall pay the funds appropriated in subsection (a) of this section for operating assistance for the Visitor and Welcome Center in Tyrrell County to Partnership for the Sounds, Inc.

Requested by: Senators Hoyle, Edwards,
Representatives Barbee, Bowie, Crawford

BRANCH AGENT TRANSACTION RATE

Sec. 18.18. Section 155 of the 1993 Session Laws, as amended by Section 20.1 of Chapter 769 of the 1993 Session Laws, reads as rewritten:

"Sec. 155. The Division of Motor Vehicles of the Department of Transportation shall compensate a contractor with whom it has a contract under G.S. 20-63(h) at the rate of ~~one dollar ($1.00)~~ one dollar and twenty cents ($1.20) for each transaction performed in accordance with the requirements set by the Division. A transaction is any of the following activities:

(1) Issuance of a registration plate, a registration card, a registration renewal sticker, or a certificate of title.
(2) Issuance of a handicapped placard or handicapped identification card.
(3) Acceptance of an application for a personalized registration plate.
(4) Acceptance of a surrendered registration plate, registration card, or registration renewal sticker, or acceptance of an affidavit stating why a person cannot surrender a registration plate, registration card, or registration renewal sticker.
(5) Cancellation of a title because the vehicle has been junked.
(6) Acceptance of an application for, or issuance of, a refund for a fee or a tax, other than the highway use tax.
(7) Receipt of the civil penalty imposed by G.S. 20-309 for a lapse in financial responsibility or receipt of the restoration fee imposed by that statute.
(8) Acceptance of a notice of failure to maintain financial responsibility for a motor vehicle.
(9) Collection of the highway use tax.

Performance at the same time of any combination of the items that are listed within each subdivision or are listed within subdivisions (1) through (8) of this section is a single transaction. Performance of the item listed in subdivision (9) of this section in combination with any other items listed in this section is a separate transaction."

Requested by: Representatives Holmes, Creech, Esposito, Barbee, Bowie, Crawford, Senators Plyler, Perdue, Odom, Albertson, Edwards, Hoyle

RESERVE FOR DETOXIFICATION OF WARREN COUNTY LANDFILL

Sec. 18.19. Funds in the Reserve for PCB Cleanup in Section 4A of this act shall be used by the Division of Solid Waste Management, Department of Environment, Health, and Natural Resources, to fund a pilot project to identify and select a technology for detoxification and remediation of the PCB Landfill in Warren County.

It is the intent of the General Assembly that any further appropriations for this purpose shall not be made from the Highway Fund.

PART 19. DEPARTMENT OF CORRECTION

Requested by: Senators Ballance, Rand, Parnell, Plyler, Perdue, Odom, Representatives Justus, Thompson, Kiser, Holmes, Creech, Esposito

PRIVATE PRISON BEDS

Sec. 19. G.S. 148–37(g), as enacted by Section 19.10 of Chapter 324 of the 1995 Session Laws, reads as rewritten:

"(g) The Secretary of Correction may contract with private for–profit or non-profit firms for the provision and operation of two or more confinement facilities totaling up to 1,000 beds in the State to house State prisoners when to do so would most economically and effectively promote the purposes served by the Department of Correction. This 1,000–bed limitation shall not apply to the 500 beds in private substance abuse treatment centers authorized by the General Assembly prior to July 1, 1995. Contracts entered under the authority of this subsection shall be for a period not to exceed 10 years, shall be renewable from time to time for a period not to exceed 10 years, and are subject to the approval of the Council of State and the Department of Administration, after consultation with the Joint Legislative Commission on Governmental Operations. Confinement facilities provided under the authority of this subsection shall not be used for the purpose of consolidating existing State confinement facilities. The Secretary of Correction shall enter contracts under this subsection only if funds are appropriated for this purpose by the General Assembly. Contracts entered under the authority of this subsection may be subject to any requirements for the location of the confinement facilities set forth by the General Assembly in appropriating those funds.

Contracts made under the authority of this subsection may provide the State with an option to purchase the confinement facility or may provide for the purchase of the confinement facility by the State. Contracts made under the authority of this subsection shall state that plans and specifications for private confinement facilities shall be furnished to and reviewed by the Office of State Construction. The Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for habitation and to determine whether the project would be suitable for future acquisition by the State. The Department of Correction may give preference to facilities intended for joint county and State use where such facilities are developed by public/private partnerships and financed by tax–exempt bond issues, and where such facilities offer general terms and conditions favorable to the State in the competitive bidding process pursuant to Article 8 of Chapter 143 of the General Statutes. All contracts for the

housing of State prisoners in private confinement facilities shall require a minimum of ten million dollars ($10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private confinement facility.

Prisoners housed in private confinement facilities pursuant to this subsection shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The Secretary of Correction may review and approve the design and construction of private confinement facilities before housing State prisoners in these facilities. The rules regarding good time, gain time, and earned credits, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in private confinement facilities pursuant to this subsection. The operators of private confinement facilities may adopt any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Correction. Custodial officials employed by a private confinement facility are agents of the Secretary of Correction and may use those procedures for use of force authorized by the Secretary of Correction to defend themselves, to enforce the observance of discipline in compliance with confinement facility rules, to secure the person of a prisoner, and to prevent escape. Private firms under this subsection shall employ inmate disciplinary and grievance policies of the North Carolina Department of Correction."

Requested by: Representatives Justus, Thompson, Mercer, Senator Ballance

EXTERNAL CONSULTANT TO EVALUATE DOC SUBSTANCE ABUSE PROGRAMS

Sec. 19.1. Of the funds appropriated to the Department of Correction for the 1995-96 fiscal year, the Department shall use up to twenty-five thousand dollars ($25,000) to hire an external consultant to evaluate the DART prison substance abuse program and private substance abuse programs funded by the Department as follows:

(1) Evaluate the appropriateness of the treatment methodology used for those programs;

(2) Evaluate the cost-effectiveness of those programs, with an emphasis on the number and type of staff employed; and

(3) Evaluate the effectiveness of those programs in reducing recidivism and drug dependency, if such data is available, or develop evaluation standards and a process for conducting such evaluations and reporting the results.

The Department shall provide the consultant's report to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by May 1, 1996.

Requested by: Representatives Justus, Thompson, Kiser, Senators Ballance, Rand

RESERVE FOR BUNKING INMATES IN SHIFTS

Sec. 19.2. (a) Of the funds appropriated to the Department of Correction for the 1995-96 fiscal year, the sum of two hundred fifty thousand dollars ($250,000) shall be placed in a Reserve for Bunking Inmates in Shifts. The Department of Correction shall develop a plan for a pilot program at Lincoln

Correctional Center that provides for arranging inmates' daily activities in such a manner that at least two different groups of inmates may occupy the same dormitory space during different portions of each 24–hour day. In the course of planning this pilot program, the Department shall consult with the Attorney General and the federal courts to ensure that such an arrangement will not violate the State's obligations under law.

(b) The Department shall report on the development of its plan to bunk inmates in shifts, including its efforts to obtain court approval for the plan, to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by May 15, 1996.

Requested by: Representatives Justus, Thompson, Pulley, Senator Ballance

NOTICE OF COMMUTATIONS

Sec. 19.3. (a) G.S. 147–16 reads as rewritten:

"§ **147–16. Records kept; certain original applications ~~preserved~~. preserved; notice of commutations.**

(a) The Governor shall cause to be kept the following records:

(1) A register of all applications for pardon, or for commutation of any sentence, with a list of the official signatures and recommendations in favor of such application.

(2) An account of all his official expenses and disbursements, including the incidental expenses of his department, and the rewards offered by him for the apprehension of criminals.

These records and the originals of all applications, petitions, and recommendations and reports therein mentioned shall be preserved in the office of the Governor, but when applications for offices are refused he may, in his discretion, return the papers referring to the application.

(b) The Governor shall, unless otherwise requested by any person listed in subdivisions (1) through (4) of this subsection, provide notice of the commutation of any sentence within 20 days after the commutation by first–class mail to the following at the last known address:

(1) The victim or victims of the crime for which the sentence was imposed;

(2) The victims' spouse, children, and parents;

(3) Any other members of the victims' family who request in writing to be notified; and

(4) The Chairs of the Joint Legislative Corrections Oversight Committee."

(b) This section is effective upon ratification.

Requested by: Senators Ballance, Rand, Representatives Justus, Thompson, Kiser

REIMBURSE COUNTIES FOR EXTRAORDINARY MEDICAL COSTS FOR INMATES AWAITING TRANSFER TO STATE PRISON SYSTEM

Sec. 19.4. Notwithstanding the provisions of G.S. 148–29, the Secretary of Correction may use funds appropriated to the Department of Correction for medical services to reimburse counties for extraordinary medical costs, as defined in

G.S. 148–32.1(a), incurred by inmates housed in local confinement facilities awaiting transfer in the State prison system.

Requested by: Senators Ballance, Parnell, Plyler, Perdue, Odom, Representatives Holmes, Creech, Esposito

CREATE NEW OFFENSE CLASS AND PUNISHMENT ROW FOR MISDEMEANOR ASSAULTS/CREATE FELONY OFFENSE OF ASSAULT ON A LAW ENFORCEMENT OFFICER/INCREASE PENALTIES FOR POSSESSION OF A FIREARM BY A FELON/LENGTHEN MINIMUM SENTENCES FOR FELONY OFFENSE CLASSES B2, C, AND D/AUTHORIZE ACTIVE SENTENCE FOR PRIOR RECORD LEVELS I AND II OF FELONY OFFENSE CLASS H/ MAKE AIRPORT OBSTRUCTIONS ILLEGAL/LOWER FOOD STAMP FRAUD FELONY THRESHOLD/INCREASE PENALTY FOR FIRST DEGREE SEXUAL EXPLOITATION OF MINOR/INCREASE PENALTY FOR PROMOTING PROSTITUTION OF MINOR

Sec. 19.5. (a) Funds appropriated in this act to construct 1,384 prison beds shall increase prison capacity to the level necessary to provide for the increases in criminal penalties provided for in this section and the following section.

(b) G.S. 14–33 as amended by Chapter 352 of the 1995 Session Laws reads as rewritten:

"**§ 14–33. Misdemeanor assaults, batteries, and affrays, simple and aggravated; punishments.**

(a) Any person who commits a simple assault or a simple assault and battery or participates in a simple affray is guilty of a Class ~~1~~ 2 misdemeanor.

(b) Unless his conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class 1 misdemeanor if, in the course of the assault, assault and battery, or affray, he:

~~(1) Inflicts, or attempts to inflict, serious injury upon another person or uses a deadly weapon;~~

~~(2) Assaults a female, he being a male person at least 18 years of age;~~

~~(3) Assaults a child under the age of 12 years;~~

(4) through (7) Repealed by Session Laws 1991, c. 525, s. 1;

~~(8) Assaults an officer or employee of the State or of any political subdivision of the State, a company police officer certified pursuant to the provisions of Chapter 74E of the General Statutes, or a campus police officer certified pursuant to the provisions of Chapter 17C or Chapter 116 of the General Statutes, when the officer or employee is discharging or attempting to discharge his official duties; or~~

(9) Commits an assault and battery against a sports official when the sports official is discharging or attempting to discharge official duties at a sports event, or immediately after the sports event at which the sports official discharged official duties. A 'sports official' is a person at a sports event who enforces the rules of the event, such as an umpire or referee, or a person who supervises the participants, such as a coach. A 'sports event' includes any interscholastic or intramural athletic activity in a primary, middle, junior high, or high school, college, or university, any organized athletic activity sponsored by a community, business, or nonprofit organization, any athletic activity that is a professional or semiprofessional event, and any other organized athletic activity in the State.

~~(10) Assaults a school bus driver, school bus monitor, or school employee who is boarding the school bus or who is on the school bus.~~

(c) Unless the conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery, or affray, he or she:

(1) Inflicts serious injury upon another person or uses a deadly weapon;

(2) Assaults a female, he being a male person at least 18 years of age;

(3) Assaults a child under the age of 12 years;

(4) Assaults an officer or employee of the State or any political subdivision of the State, when the officer or employee is discharging or attempting to discharge his official duties; or

(5) Assaults a school bus driver, school bus monitor, or school employee who is boarding the school bus or who is on the school bus."

(c) Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-33.2. Habitual misdemeanor assault.**

A person commits the offense of habitual misdemeanor assault if that person violates any of the provisions of G.S. 14-33(c) or G.S. 14-34 and has been convicted of five or more prior misdemeanor convictions, two of which were assaults. A person convicted of violating this section is guilty of a Class H felony."

(d) G.S. 14-34 reads as rewritten:

"**§ 14-34. Assaulting by pointing gun.**

If any person shall point any gun or pistol at any person, either in fun or otherwise, whether such gun or pistol be loaded or not loaded, he shall be guilty of a Class ~~1~~ A1 misdemeanor."

(e) G.S. 15A-1332(c) reads as rewritten:

"(c) Presentence Commitment for Study. — When the court desires more detailed information as a basis for determining the sentence to be imposed than can be provided by a presentence investigation, the court may commit a defendant to the Department of Correction for study for the shortest period necessary to complete the study, not to exceed 90 days, if that defendant has been charged with or convicted of any felony or a Class A1 or Class 1 misdemeanor crime or crimes for which he may be imprisoned for more than six months and if he consents. The period of commitment must end when the study is completed, and may not exceed 90 days. The Department must conduct a complete study of a defendant committed to it under this subsection, inquiring into such matters as the defendant's previous delinquency or criminal experience, his social background, his capabilities, his mental, emotional and physical health, and the availability of resources or programs appropriate to the defendant. Upon completion of the study or the end of the 90-day period, whichever occurs first, the Department of Correction must release the defendant to the sheriff of the county in which his case is docketed. The Department must forward the study to the clerk in that county, including whatever recommendations the Department believes will be helpful to a proper resolution of the case. When a defendant is returned from a presentence commitment for study, the conditions of pretrial release which obtained for the defendant before the commitment continue until judgment is entered, unless the conditions are modified under the provisions of G.S. 15A-534(e)."

(f) G.S. 15A–1340.14(b) reads as rewritten:

"(b) Points. — Points are assigned as follows:

(1) For each prior felony Class A conviction, 10 points.

(1a) For each prior felony Class B1 conviction, 9 points.

(2) For each prior felony Class B2, C, or D conviction, 6 points.

(3) For each prior felony Class E, F, or G conviction, 4 points.

(4) For each prior felony Class H or I conviction, 2 points.

(5) For each prior Class A1 or Class 1 misdemeanor conviction, 1 point, except that convictions for Class 1 misdemeanor offenses under Chapter 20 of the General Statutes, other than conviction for misdemeanor death by vehicle (G.S. 20–141.4(a2)), shall not be assigned any points for purposes of determining a person's prior record for felony sentencing.

(6) If all the elements of the present offense are included in the prior offense, 1 point.

(7) If the offense was committed while the offender was on probation or parole, or while the offender was serving a sentence of imprisonment, or while the offender was on escape from a correctional institution while serving a sentence of imprisonment, 1 point.

For purposes of determining prior record points under this subsection, a conviction for a first degree rape or a first degree sexual offense committed prior to the effective date of this subsection shall be treated as a felony Class B1 conviction, and a conviction for any other felony Class B offense committed prior to the effective date of this subsection shall be treated as a felony Class B2 conviction."

(g) G.S. 15A–1340.23 reads as rewritten:

"**§ 15A–1340.23. Punishment limits for each class of offense and prior conviction level.**

(a) Offense Classification; Default Classifications. — The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a misdemeanor for which there is no classification, it is as classified in G.S. 14–3.

(b) Fines. — Any judgment that includes a sentence of imprisonment may also include a fine. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. If a community punishment is authorized, the judgment may consist of a fine only. Unless otherwise provided for a specific offense, the maximum fine that may be imposed is two hundred dollars ($200.00) for a Class 3 misdemeanor and one thousand dollars ($1,000) for a Class 2 misdemeanor. The amount of the fine for a Class 1 misdemeanor and a Class A1 misdemeanor is in the discretion of the court.

(c) Punishment for Each Class of Offense and Prior Conviction Level; Punishment Chart Described. — Unless otherwise provided for a specific offense, the authorized punishment for each class of offense and prior conviction level is as specified in the chart below. Prior conviction levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offenses are indicated by the Arabic numbers placed vertically on the left side of the chart. Each grid on the chart contains the following components:

(1) A sentence disposition or dispositions: 'C' indicates that a community punishment is authorized; 'I' indicates that an intermediate punishment is authorized; and 'A' indicates that an active punishment is authorized; and

(2) A range of durations for the sentence of imprisonment: any sentence within the duration specified is permitted.

PRIOR CONVICTION LEVELS

MISDEMEANOR OFFENSE CLASS	LEVEL I No Prior Convictions	LEVEL II One to Four Prior Convictions	LEVEL III Five or More Prior Convictions
A1	1–60 days C/I/A	1–75 days C/I/A	1–150 days C/I/A
1	1–45 days C	1–45 days C/I/A	1–120 days C/I/A
2	1–30 days C	1–45 days C/I	1–60 days C/I/A
3	1–10 days C	1–15 days C/I	1–20 days C/I/A."

(h) G.S. 15A–1343.1, as rewritten by Chapter 446 of the 1995 Session Laws, reads as rewritten:

"**§ 15A–1343.1. Criteria for selection and sentencing to IMPACT.**

The criteria for selecting and sentencing offenders to the Intensive Motivational Program of Alternative Correctional Treatment as provided under G.S. 15A–1343(b1)(2A) shall be as follows:

(1) The offender must be between the ages of 16 and 30;

(2) The offender must be convicted of a Class 1 misdemeanor misdemeanor, Class A1 misdemeanor, or a felony.

(3) The offender must submit to a medical evaluation by a physician approved by his probation or parole officer and must be certified by the physician to be medically fit for program participation."

(i) G.S. 14–34.2 reads as rewritten:

"**§ 14–34.2. Assault with a firearm or other deadly weapon upon governmental officers or employees, company police officers, or campus police officers.**

~~Any~~ Unless a person's conduct is covered under some other provision of law providing greater punishment, any person who commits an assault with a firearm or any other deadly weapon upon an officer or employee of the State or of any political subdivision of the State, a company police officer certified pursuant to the provisions of Chapter 74E of the General Statutes, or a campus police officer certified pursuant to the provisions of Chapter 17C or Chapter 116 of the General Statutes, in the performance of his duties shall be guilty of a Class F felony."

(j) Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14–34.5. Assault with a firearm on a law enforcement officer.**

Any person who commits an assault with a firearm upon a law enforcement officer in the performance of his or her duties is guilty of a Class E felony."

(k) G.S. 14–415.1(a) reads as rewritten:

"(a) It shall be unlawful for any person who has been convicted of any crime set out in subsection (b) of this section to purchase, own, possess, or have in his custody, care, or control any handgun or other firearm with a barrel length of less than 18 inches or an overall length of less than 26 inches, or any weapon of mass death and destruction as defined in G.S. 14–288.8(c), within five years from the date of such conviction, or the unconditional discharge from a correctional institution, or termination of a suspended sentence, probation, or parole upon such conviction, whichever is later.

Every person violating the provisions of this section shall be punished as a Class ~~H~~ G felon.

Nothing in this subsection would prohibit the right of any person to have possession of a firearm within his own home or on his lawful place of business."

(l) G.S. 15A–1340.17(c) reads as rewritten:

"(c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart Described. — The authorized punishment for each class of offense and prior record level is as specified in the chart below. Prior record levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offense are indicated by the letters placed vertically on the left side of the chart. Each cell on the chart contains the following components:

(1) A sentence disposition or dispositions: 'C' indicates that a community punishment is authorized; 'I' indicates that an intermediate punishment is authorized; 'A' indicates that an active punishment is authorized; and 'Life Imprisonment Without Parole' indicates that the defendant shall be imprisoned for the remainder of the prisoner's natural life.

(2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to G.S. 15A–1340.16 that an aggravated or mitigated sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.

(3) A mitigated range of minimum durations if the court finds pursuant to G.S. 15A–1340.16 that a mitigated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the mitigated range is permitted. The mitigated range is the lower of the three ranges in the cell.

(4) An aggravated range of minimum durations if the court finds pursuant to G.S. 15A–1340.16 that an aggravated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the aggravated range is permitted. The aggravated range is the higher of the three ranges in the cell.

	PRIOR RECORD LEVEL						
	I	II	III	IV	V	VI	
	0 Pts	1–4 Pts	5–8 Pts	9–14 Pts	15–18 Pts	19+ Pts	
A	Life Imprisonment or Death as Established by Statute						
	A	A	A	A	A	A	DISPOSITION
	240–300	288–360	336–420	384–480	Life Imprisonment Without Parole		Aggravated
B1	192–240	230–288	269–336	307–384	346–433	384–480	PRESUMPTIVE
	144–192	173–230	202–269	230–307	260–346	288–384	Mitigated
	A	A	A	A	A	A	DISPOSITION
	~~135–169~~	~~163–204~~	~~190–238~~	~~216–270~~	~~243–304~~	~~270–338~~	~~Aggravated~~
~~B2~~	~~108–135~~	~~130–163~~	~~152–190~~	~~173–216~~	~~194–243~~	~~216–270~~	~~PRESUMPTIVE~~
	~~81–108~~	~~98–130~~	~~114–152~~	~~130–173~~	~~146–194~~	~~162–216~~	~~Mitigated~~
	157–196	189–237	220–276	251–313	282–353	313–392	Aggravated

B2	125–157	151–189	176–220	201–251	225–282	251–313	PRESUMPTIVE
	94–125	114–151	132–176	151–201	169–225	188–251	Mitigated
	A	A	A	A	A	A	DISPOSITION
	~~63–79~~	~~86–108~~	~~100–125~~	~~115–144~~	~~130–162~~	~~145–181~~	~~Aggravated~~
C	~~50–63~~	~~69–86~~	~~80–100~~	~~92–115~~	~~104–130~~	~~116–145~~	~~PRESUMPTIVE~~
	~~38–50~~	~~52–69~~	~~60–80~~	~~69–92~~	~~78–104~~	~~87–116~~	~~Mitigated~~
	73–92	100–125	116–145	133–167	151–188	168–210	Aggravated
C	58–73	80–100	93–116	107–133	121–151	135–168	PRESUMPTIVE
	44–58	60–80	70–93	80–107	90–121	101–135	Mitigated
	A	A	A	A	A	A	DISPOSITION
	~~55–69~~	~~66–82~~	~~89–111~~	~~101–126~~	~~115–144~~	~~126–158~~	~~Aggravated~~
D	~~44–55~~	~~53–66~~	~~71–89~~	~~81–101~~	~~92–115~~	~~101–126~~	~~PRESUMPTIVE~~
	~~33–44~~	~~40–53~~	~~53–71~~	~~61–81~~	~~69–92~~	~~76–101~~	~~Mitigated~~
	64–80	77–95	103–129	117–146	133–167	146–183	Aggravated
D	51–64	61–77	82–103	94–117	107–133	117–146	PRESUMPTIVE
	38–51	46–61	61–82	71–94	80–107	88–117	Mitigated
	I/A	I/A	A	A	A	A	DISPOSITION
	25–31	29–36	34–42	46–58	53–66	59–74	Aggravated
E	20–25	23–29	27–34	37–46	42–53	47–59	PRESUMPTIVE
	15–20	17–23	20–27	28–37	32–42	35–47	Mitigated
	I/A	I/A	I/A	A	A	A	DISPOSITION
	16–20	19–24	21–26	25–31	34–42	39–49	Aggravated
F	13–16	15–19	17–21	20–25	27–34	31–39	PRESUMPTIVE
	10–13	11–15	13–17	15–20	20–27	23–31	Mitigated
	I/A	I/A	I/A	I/A	A	A	DISPOSITION
	13–16	15–19	16–20	20–25	21–26	29–36	Aggravated
G	10–13	12–15	13–16	16–20	17–21	23–29	PRESUMPTIVE
	8–10	9–12	10–13	12–16	13–17	17–23	Mitigated
	C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
	6–8	8–10	10–12	11–14	15–19	20–25	Aggravated
H	5–6	6–8	8–10	9–11	12–15	16–20	PRESUMPTIVE
	4–5	4–6	6–8	7–9	9–12	12–16	Mitigated
	C	C/I	I	I/A	I/A	I/A	DISPOSITION
	6–8	6–8	6–8	8–10	9–11	10–12	Aggravated
I	4–6	4–6	5–6	6–8	7–9	8–10	PRESUMPTIVE
	3–4	3–4	4–5	4–6	5–7	6–8	Mitigated

(m) Chapter 63 of the General Statutes is amended by adding a new section to read:

"**§ 63-37.1. Airport obstructions illegal.**

Any person, other than the owner or operator of an airport, who intentionally obstructs the lawful takeoff and landing operations and patterns of aircraft at an existing public or private airport shall be guilty of a Class 1 misdemeanor."

(n) G.S. 108A-53(a) reads as rewritten:

"(a) Any person, whether provider or recipient or person representing himself as such, who knowingly obtains or attempts to obtain, or aids or abets any person

to obtain by means of making a willfully false statement or representation or by impersonation or by failing to disclose material facts or in any manner not authorized by this Part or the regulations issued pursuant thereto, transfers with intent to defraud any food stamps or authorization cards to which he is not entitled in the amount of ~~two thousand dollars ($2,000)~~ one thousand dollars ($1,000) or less shall be guilty of a Class 1 misdemeanor. Whoever knowingly obtains or attempts to obtain, or aids or abets any person to obtain by means of making a willfully false statement or representation or by impersonation or by failing to disclose material facts or in any manner not authorized by this Part or the regulations issued pursuant thereto, transfers with intent to defraud any food stamps or authorization cards to which he is not entitled in an amount more than ~~two thousand dollars ($2,000)~~ one thousand dollars ($1,000) shall be guilty of a Class I felony."

(o) G.S. 14–190.16(d) reads as rewritten:

"(d) Punishment and Sentencing. — Violation of this section is a Class ~~E~~ D felony."

(p) G.S. 14–190.18(c) reads as rewritten:

"(c) Punishment and Sentencing. — Violation of this section is a Class ~~F~~ D felony."

(q) This section becomes effective December 1, 1995, and applies to offenses committed on or after that date.

Requested by: Senators Gulley, Ballance, Rand,
Representatives Hiatt, Justus, Thompson, Kiser

ASSAULT EMERGENCY MEDICAL PERSONNEL

Sec. 19.6. (a) Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14–34.5. Assault or affray on an emergency medical technician, ambulance attendant, emergency department nurse, or emergency department physician.**

(a) A person is guilty of a Class A1 misdemeanor if the person commits an assault or an affray on an emergency medical technician, ambulance attendant, emergency department nurse, or emergency department physician while the technician, attendant, nurse, or physician is discharging or attempting to discharge official duties.

(b) Unless a person's conduct is covered under some other provision of law providing greater punishment, a person is guilty of a Class I felony if the person violates subsection (a) of this section and (i) inflicts bodily injury or (ii) uses a deadly weapon other than a firearm.

(c) Unless a person's conduct is covered under some other provision of law providing greater punishment, a person is guilty of a Class F felony if the person violates subsection (a) of this section and uses a firearm."

(b) This section becomes effective December 1, 1995, and applies to offenses committed on or after that date.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Kiser

HARRIET'S HOUSE FUNDS

Sec. 19.7. Of the funds appropriated to the Department of Correction, the sum of two hundred thousand dollars ($200,000) for the 1995–96 fiscal year and the sum of two hundred thousand dollars ($200,000) for the 1996–97 fiscal year shall be used to support the programs of Harriet's House, a transitional home

for female ex–offenders and their children. Harriet's House shall report quarterly to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program including information on the number of clients served and the number of clients who successfully complete the Harriet's House program.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Kiser

DEPARTMENT OF CORRECTION/DEPARTMENT OF HUMAN RESOURCES JOINT PLAN/RESERVE FOR SUBSTANCE ABUSE TREATMENT PILOT PROGRAM FOR PAROLEES AND PROBATIONERS

Sec. 19.8. (a) The balance of the five hundred eighty–three thousand dollars ($583,000) appropriated in Chapter 24 of the Session Laws of the 1994 Extra Session to the Department of Correction for the 1994–95 fiscal year for an intensive out–patient substance abuse treatment pilot program for parolees and probationers with serious substance abuse histories shall not revert at the end of the fiscal year but shall remain in the Department for that purpose. The Department of Correction and the Department of Human Resources shall jointly report on the development and implementation of the pilot program to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety not later than May 15, 1996.

(b) This section becomes effective June 30, 1995.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Kiser

EXEMPTION FROM LICENSURE AND CERTIFICATE OF NEED

Sec. 19.9. (a) Inpatient chemical dependency or substance abuse facilities that provide services exclusively to inmates of the Department of Correction shall be exempt from licensure by the Department of Human Resources under Chapter 122C of the General Statutes. If an inpatient chemical dependency or substance abuse facility provides services both to inmates of the Department of Correction and to members of the general public, the portion of the facility that serves inmates shall be exempt from licensure.

(b) Any person who contracts to provide inpatient chemical dependency or substance abuse services to inmates of the Department of Correction may construct and operate a new chemical dependency or substance abuse facility for that purpose without first obtaining a certificate of need from the Department of Human Resources pursuant to Article 9 of Chapter 131E of the General Statutes. However, a new facility or addition developed for that purpose without a certificate of need shall not be licensed pursuant to Chapter 122C of the General Statutes and shall not admit anyone other than inmates unless the owner or operator first obtains a certificate of need.

(c) This section applies to existing facilities, as well as future facilities contracting with the Department of Correction.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Kiser

CORRECTIONS OVERSIGHT STUDY SALARY CONTINUATION

Sec. 19.10. (a) The Joint Legislative Corrections Oversight Committee

shall study the salary continuation program in the Department of Correction provided for in Article 12B of Chapter 143 of the General Statutes. The Committee shall review:

(1) The numbers and types of positions in the Department of Correction currently receiving the benefit;
(2) The number and types of accidents occurring for which employees receive salary continuation;
(3) The application of this benefit to accidents and injuries on the job;
(4) The application of this benefit to certified positions and not to non–certified positions;
(5) The costs of this benefit to the Department and methods for reducing future costs.

(b) The Joint Legislative Corrections Oversight Committee shall report its findings and recommendations to the 1995 General Assembly, 1996 Regular Session.

Requested by: Senators Ballance, Rand, Plyler, Odom,
Representatives Justus, Thompson, Kiser

DART AFTERCARE FUNDS

Sec. 19.11. Funds appropriated in this act to the Department of Correction for a Drug Alcohol Recovery Treatment (DART) aftercare program shall be used to contract for up to three pilot programs statewide to provide aftercare services, including counseling and job referral services, for DART DWI offenders and other offenders who have completed a DART program in the Division of Prisons.

The Department of Correction shall report on the pilot programs to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by May 15, 1996. The report shall include information on the number of clients served, the quality of services, the cost–effectiveness of the services, and the benefits of the programs to offenders.

Requested by: Representatives Justus, Thompson, Kiser,
Senators Ballance, Rand

WAIVER OF STATE PERSONNEL ACT REQUIREMENTS

Sec. 19.12. To the extent necessary in order to comply timely with a settlement agreement resulting from Title VII litigation, the Department of Correction may waive the requirements of the State Personnel Act contained in G.S. 126–7.1 and G.S. 126–16. This section applies only to the seventeen positions approved for Title VII compliance.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Kiser

FEDERAL GRANT REPORTING

Sec. 19.13. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, and the Judicial Department shall report by December 1 and June 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or pre–approved for receipt by those departments. The report shall include information

on the amount of grant funds received or pre–approved for receipt by each department, the use of the funds, and the State match expended to receive the funds.

PART 20. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Representatives Justus, Thompson, Kiser,
Senators Ballance, Rand

COMMUNITY SERVICE DISTRICT SUPERVISOR RESIDENCY REQUIREMENT

Sec. 20. (a) G.S. 143B–475.1 is amended by adding a new subsection to read:

"(e) In order to maximize the efficiency and effectiveness of the community service program, (i) beginning September 1, 1995, community service program districts shall have the same boundaries as the district court districts established in G.S. 7A–133 and (ii) beginning with persons hired on or after September 1, 1995, all community service program district supervisors employed by the Department of Crime Control and Public Safety to supervise each of the community service program districts shall reside in the district in which the supervisor works."

(b) This section is effective upon ratification.

PART 21. JUDICIAL DEPARTMENT

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Kiser

INCREASE MAXIMUM ALLOWABLE MAGISTRATES FOR CURRITUCK, PASQUOTANK AND SURRY COUNTIES/DIVIDE DISTRICT COURT DISTRICT 9/ADD JUDGE IN DISTRICT COURT DISTRICT 29/ADD TWO SPECIAL SUPERIOR COURT JUDGES/MAGISTRATES ELIGIBILITY

Sec. 21.1. (a) Article 18 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"**§ 7A–200. District and set of districts defined; chief district court judges and their authority.**

(a) In this section:

(1) 'District' means any district court district established by G.S. 7A–133 which consists exclusively of one or more entire counties;

(2) 'Set of districts' means any set of two or more district court districts established under G.S. 7A–133, none of which consists exclusively of one or more entire counties, but both or all of which include territory from the same county or counties and together comprise all of the territory of that county or those counties; and

(3) 'Chief district court judge' means in the case of a set of districts, the chief district court judge for those districts, designated by the chief justice from among the district court judges for the districts in the set of districts.

(b) Whenever by law a duty is imposed upon the chief district court judge, it means for a set of districts the chief district court judge designated under subsection (a)(3) of this section."

(b) Article 14 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"**§ 7A–149. Jurisdiction; sessions.**

(a) Notwithstanding any other provision of law, a district court judge of a district

court district which is in a set of districts as defined by G.S. 7A-200 has jurisdiction in the entire county or counties in which the district is located to the same extent as if the district encompassed the entire county, and has jurisdiction in the entire set of districts to the same extent as if the district encompassed the entire set of districts.

(b) All sessions of district court shall be for an entire county, whether that county comprises or is located in a district or in a set of districts as defined in G.S. 7A-200, and at each session all matters and proceedings arising anywhere in the county may be heard.

(c) All clerks of court for a county have jurisdiction over the entire county, notwithstanding that the county may be part of a set of districts."

(c) G.S. 7A-133 reads as rewritten:

"**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.**

(a) Each district court district shall have the numbers of judges ~~and each county within the district shall have the numbers of magistrates and additional seats of court,~~ as set forth in the following table:

District	Judges	County	~~Magistrates~~ ~~Min.~~	~~Max.~~	~~Additional Seats of Court~~
1	4	Camden	~~1~~	~~2~~	
		Chowan	~~2~~	~~3~~	
		Currituck	~~1~~	~~2~~	
		Dare	~~3~~	~~8~~	
		Gates	~~2~~	~~3~~	
		Pasquotank	~~3~~	~~4~~	
		Perquimans	~~2~~	~~3~~	
2	3	Martin	~~5~~	~~8~~	
		Beaufort	~~4~~	~~8~~	
		Tyrrell	~~1~~	~~3~~	
		Hyde	~~2~~	~~4~~	
		Washington	~~3~~	~~4~~	
3A	3	Pitt	~~10~~	~~12~~	~~Farmville~~ ~~Ayden~~
3B	4	Craven	~~7~~	~~10~~	~~Havelock~~
		Pamlico	~~2~~	~~3~~	
		Carteret	~~5~~	~~8~~	
4	6	Sampson	~~6~~	~~8~~	
		Duplin	~~9~~	~~11~~	
		Jones	~~2~~	~~3~~	
		Onslow	~~8~~	~~14~~	
5	6	New Hanover	~~6~~	~~11~~	
		Pender	~~4~~	~~6~~	
6A	2	Halifax	~~9~~	~~14~~	~~Roanoke Rapids,~~ ~~Scotland Neck~~
6B	3	Northampton	~~5~~	~~6~~	
		Bertie	~~4~~	~~5~~	
		Hertford	~~5~~	~~6~~	
7	6	Nash	~~7~~	~~10~~	~~Rocky Mount~~
		Edgecombe	~~4~~	~~6~~	~~Rocky Mount~~
		Wilson	~~4~~	~~6~~	

8	5	Wayne	~~5~~	~~11~~	~~Mount Olive~~
		Greene	~~2~~	~~4~~	
		Lenoir	~~4~~	~~10~~	~~La Grange~~
9	4	Granville	~~3~~	~~7~~	
		(part of Vance see subsection (b))	~~3~~	~~5~~	
		~~Warren~~	~~3~~	~~4~~	
		Franklin	~~3~~	~~6~~	
9A	2	Person	~~3~~	~~4~~	
		Caswell	~~2~~	~~5~~	
9B	1	Warren (part of Vance see subsection (b))			
10	12	Wake	~~12~~	~~20~~	~~Apex, Wendell, Fuquay-Varina, Wake Forest~~
11	6	Harnett	~~7~~	~~11~~	~~Dunn~~
		Johnston	~~10~~	~~12~~	~~Benson, Clayton and Selma~~
		Lee	~~4~~	~~6~~	
12	6	Cumberland	~~10~~	~~17~~	
13	4	Bladen	~~4~~	~~6~~	
		Brunswick	~~4~~	~~7~~	
		Columbus	~~6~~	~~8~~	~~Tabor City~~
14	5	Durham	~~8~~	~~12~~	
15A	3	Alamance	~~7~~	~~10~~	~~Burlington~~
15B	3	Orange	~~4~~	~~11~~	~~Chapel Hill~~
		Chatham	~~3~~	~~8~~	~~Siler City~~
16A	2	Scotland	~~3~~	~~5~~	
		Hoke	~~4~~	~~5~~	
16B	5	Robeson	~~8~~	~~16~~	~~Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls~~
17A	2	Rockingham	~~4~~	~~9~~	~~Reidsville, Eden, Madison~~
17B	3	Stokes	~~2~~	~~5~~	
		Surry	~~5~~	~~8~~	~~Mt. Airy~~
18	10	Guilford	~~20~~	~~26~~	~~High Point~~
19A	3	Cabarrus	~~5~~	~~9~~	~~Kannapolis~~
19B	3	Montgomery	~~2~~	~~4~~	
		Randolph	~~5~~	~~8~~	~~Liberty~~
19C	3	Rowan	~~5~~	~~10~~	
20	6	Stanly	~~5~~	~~6~~	
		Union	~~4~~	~~6~~	
		Anson	~~4~~	~~5~~	
		Richmond	~~5~~	~~6~~	~~Hamlet~~
		Moore	~~5~~	~~8~~	~~Southern Pines~~
21	7	Forsyth	~~3~~	~~15~~	~~Kernersville~~

22	7	Alexander	~~2~~	~~3~~	
		Davidson	~~7~~	~~10~~	~~Thomasville~~
		Davie	~~2~~	~~3~~	
		Iredell	~~4~~	~~9~~	~~Mooresville~~
23	3	Alleghany	~~1~~	~~2~~	
		Ashe	~~3~~	~~4~~	
		Wilkes	~~4~~	~~6~~	
		Yadkin	~~3~~	~~5~~	
24	3	Avery	~~3~~	~~4~~	
		Madison	~~4~~	~~5~~	
		Mitchell	~~3~~	~~4~~	
		Watauga	~~4~~	~~6~~	
		Yancey	~~2~~	~~4~~	
25	7	Burke	~~4~~	~~7~~	
		Caldwell	~~4~~	~~7~~	
		Catawba	~~6~~	~~10~~	~~Hickory~~
26	14	Mecklenburg	~~15~~	~~26~~	
27A	5	Gaston	~~11~~	~~20~~	
27B	4	Cleveland	~~5~~	~~8~~	
		Lincoln	~~4~~	~~6~~	
28	5	Buncombe	~~6~~	~~15~~	
29	~~4~~ 5	Henderson	~~4~~	~~6~~	
		McDowell	~~3~~	~~5~~	
		Polk	~~3~~	~~4~~	
		Rutherford	~~6~~	~~8~~	
		Transylvania	~~2~~	~~4~~	
30	4	Cherokee	~~3~~	~~4~~	
		Clay	~~1~~	~~2~~	
		Graham	~~2~~	~~3~~	
		Haywood	~~5~~	~~7~~	~~Canton~~
		Jackson	~~3~~	~~4~~	
		Macon	~~3~~	~~4~~	
		Swain	~~2~~	~~3~~	

(b) For district court districts of less than a whole county, or with part or all of one county with part of another, the composition of the district is as follows:

(1) District Court District 9 consists of Franklin and Granville Counties and the remainder of Vance County not in District Court District 9B.

(2) District Court District 9B consists of Warren County and East Henderson I, North Henderson I, North Henderson II, Middleburg, Townsville, and Williamsboro Precincts of Vance County.

Precinct boundaries as used in this section for Vance County are those shown on maps on file with the Legislative Services Office on May 1, 1991, and for other counties are those reported by the United States Bureau of the Census under Public Law 94–171 for the 1990 Census in the IVTD Version of the TIGER files.

(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.–Max.		Additional Seats of Court
Camden	1	2	
Chowan	2	3	
Currituck	1	3	

Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	3	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	
Pitt	10	12	Farmville Ayden
Craven	7	10	Havelock
Pamlico	2	3	
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	
Jones	2	3	
Onslow	8	14	
New Hanover	6	11	
Pender	4	6	
Halifax	9	14	Roanoke Rapids, Scotland Neck
Northampton	5	6	
Bertie	4	5	
Hertford	5	6	
Nash	7	10	Rocky Mount
Edgecombe	4	6	Rocky Mount
Wilson	4	6	
Wayne	5	11	Mount Olive
Greene	2	4	
Lenoir	4	10	La Grange
Granville	3	7	
Vance	3	5	
Warren	3	4	
Franklin	3	6	
Person	3	4	
Caswell	2	5	
Wake	12	20	Apex, Wendell, Fuquay-Varina, Wake Forest
Harnett	7	11	Dunn
Johnston	10	12	Benson, Clayton, Selma
Lee	4	6	
Cumberland	10	17	
Bladen	4	6	
Brunswick	4	7	
Columbus	6	8	Tabor City
Durham	8	12	
Alamance	7	10	Burlington
Orange	4	11	Chapel Hill
Chatham	3	8	Siler City
Scotland	3	5	

Hoke	4	5	
Robeson	8	16	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
Rockingham	4	9	Reidsville, Eden, Madison
Stokes	2	5	
Surry	5	9	Mt. Airy
Guilford	20	26	High Point
Cabarrus	5	9	Kannapolis
Montgomery	2	4	
Randolph	5	8	Liberty
Rowan	5	10	
Stanly	5	6	
Union	4	6	
Anson	4	5	
Richmond	5	6	Hamlet
Moore	5	8	Southern Pines
Forsyth	3	15	Kernersville
Alexander	2	3	
Davidson	7	10	Thomasville
Davie	2	3	
Iredell	4	9	Mooresville
Alleghany	1	2	
Ashe	3	4	
Wilkes	4	6	
Yadkin	3	5	
Avery	3	4	
Madison	4	5	
Mitchell	3	4	
Watauga	4	6	
Yancey	2	4	
Burke	4	7	
Caldwell	4	7	
Catawba	6	10	Hickory
Mecklenburg	15	26	
Gaston	11	20	
Cleveland	5	8	
Lincoln	4	6	
Buncombe	6	15	
Henderson	4	6	
McDowell	3	5	
Polk	3	4	
Rutherford	6	8	
Transylvania	2	4	
Cherokee	3	4	
Clay	1	2	
Graham	2	3	
Haywood	5	7	Canton
Jackson	3	4	
Macon	3	4	
Swain	2	3."	

(d) The Governor shall appoint the additional district court judge for District Court District 9B authorized by subsection (c) of this section. A successor shall be elected in the 1998 general election for a four-year term commencing the first Monday in December 1998.

(e) The Governor shall appoint the additional district court judge for District Court District 29 authorized by subsection (c) of this section. A successor shall be elected in the 1998 general election for a four-year term commencing the first Monday in December 1998.

(f) G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a1) Effective October 1, 1995, the Governor may appoint two special superior court judges to serve terms expiring September 30, 2000. Successors to the special superior court judges appointed pursuant to this subsection shall be appointed to five-year terms. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

(g) Notwithstanding any other provision of law, any person who has previously served as a a magistrate is eligible to be appointed as a magistrate.

(h) Subsections (c) and (d) of this section become effective January 1, 1996, or 15 days after the date upon which those subsections are approved under Section 5 of the Voting Rights Act of 1965, whichever is later, except that the additional district court judgeship for district court district 29 authorized by subsection (c) of this section becomes effective January 1, 1996. Subsection (f) of this section becomes effective October 1, 1995. Subsection (g) of this section is effective upon ratification. The remainder of this section becomes effective January 1, 1996.

(i) The provisions of this section are severable. If any provision of this section is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the section that can be given effect without the invalid provision.

Requested by: Representatives Justus, Thompson, Mercer, Senator Ballance

RECIDIVISM STUDY

Sec. 21.2. The North Carolina Sentencing and Policy Advisory Commission shall contract with an external consultant to study recidivism of criminal offenders assigned to community correctional programs or released from prison. The community correctional programs to be studied shall include Treatment Alternatives to Street Crime (TASC), Community Penalties Program, Community Service, and all supervised probation and parole programs. The study shall identify those offenders rearrested within two years or more after assignment to a program or release from prison.

Of the funds appropriated to the Judicial Department for the 1995-97 biennium, the Department may use up to fifty thousand dollars ($50,000) during the 1995-97 biennium to contract with an external consultant for this study. The Department shall provide the consultant's report to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by May 1, 1996.

Requested by: Senators Ballance, Rand
Representatives Justus, Thompson, Kiser

INDIGENT PERSONS' ATTORNEY FEE FUND

Sec. 21.3. (a) Effective July 1, 1995, the Administrative Office of the Courts shall each year of the 1995–97 biennium reserve funds for capital cases and for transcripts, professional examinations, and expert witness fees from the Indigent Persons' Attorney Fee Fund. The remaining available funds in the Indigent Persons' Attorney Fee Fund shall be allotted for adult, juvenile, and guardian *ad litem* cases for the 1995–96 and 1996–97 fiscal years to each judicial district in which the superior and district court districts are coterminous, and otherwise by county, according to the caseload of indigent persons who were not represented by the public defender in the districts or counties during 1994–95 and 1995–96 respectively.

The Administrative Office of the Courts shall notify all senior resident superior court judges, all chief district court judges, and the clerk of superior court within the district or county immediately after the allotment is made and shall provide a monthly report on the status of the allotment for the district or county.

The senior resident superior court judge and the chief district court judge of each district or county shall ask all judges holding court within the district or county: (i) to take into consideration the amount of money allotted at the beginning of the fiscal year and the amount of money remaining in the allotment when they award counsel fees to attorneys of indigent persons, and (ii) to make an effort to award fees equally and justly for legal services provided. The clerk of superior court for each county shall ensure that all judges holding court within the county receive this request from the senior resident superior court judge and the chief district court judge.

(b) If the funds allotted pursuant to subsection (a) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts shall allot any available funds from the reserve fund specified in subsection (a) or from unanticipated receipts. However, if necessary and appropriate due to unusual and unanticipated circumstances occurring in the current year, the Administrative Office of the Courts may allocate available funds to a district or county in a manner calculated to result in the reasonably fair distribution of remaining funds.

(c) If funds allocated in subsections (a) and (b) are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts shall allot available funds from the Public Defender program.

(d) If the funds allotted pursuant to subsections (a), (b), and (c) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts is authorized to transfer funds between districts or counties only if the Administrative Office of the Courts determines that the funds transferred will not be needed to meet the obligations incurred by the Indigent Persons' Attorney Fee Fund for the county or district from which the funds are transferred for the fiscal year.

Requested by: Representatives Justus, Thompson, Kiser,
Senators Ballance, Rand

ASSISTANT PUBLIC DEFENDERS

Sec. 21.4. From funds appropriated to the Indigent Persons' Attorney Fee

Fund for the 1995–97 biennium, the Administrative Office of the Courts may use up to one hundred eighty–eight thousand nine hundred ninety–four dollars ($188,994) in the 1995–96 fiscal year, and up to one hundred eighty–six thousand one hundred seventy–one dollars ($186,171) in the 1996–97 fiscal year for salaries, benefits, and related expenses to establish up to three new assistant public defenders.

Requested by: Representatives Justus, Thompson, Redwine, Kiser, Senators Ballance, Rand

DISPUTE SETTLEMENT FUNDS

Sec. 21.5. (a) Of the three hundred sixty–three thousand five hundred dollars ($363,500) appropriated in this act for each fiscal year of the 1995–97 biennium for new and additional funding for dispute settlement centers, twenty–five thousand dollars ($25,000) each shall be allocated for new funding for the Blue Ridge Dispute Settlement Center and the Sandhills Mediation Center, fifteen thousand dollars ($15,000) each shall be allocated for new funding for the Duplin County Dispute Settlement Center and Mediation Services of Rockingham County, and ten thousand dollars ($10,000) shall be allocated for new funding for the Dispute Settlement Center of Moore County. The remaining funds for each fiscal year shall be allocated for additional funding as follows:

(1) $5,000 for the Alamance County Dispute Settlement Center;
(2) $25,000 for the Charlotte/Mecklenburg Community Relations Committee/Dispute Settlement Program;
(3) $10,000 for the Cumberland County Dispute Resolution Center;
(4) $10,000 for The Dispute Settlement Center of Cape Fear;
(5) $20,000 for the Dispute Settlement Center of Durham, Inc.;
(6) $13,500 for the Henderson County Dispute Settlement Center;
(7) $10,000 for The Mediation Center in Buncombe County;
(8) $30,000 for the Mediation Center of Eastern Carolina to expand into Craven and Carteret Counties;
(9) $15,000 for the Mediation Center of Gaston County, Inc.;
(10) $15,000 for Mediation Services of Forsyth County;
(11) $23,000 for Mediation Services of Guilford County;
(12) $44,000 for the Mountain Dispute Settlement Center;
(13) $25,000 for the Orange County Dispute Settlement Center;
(14) $13,000 for the Transylvania Dispute Settlement Center; and
(15) $15,000 for the Robeson County Dispute Resolution Center.

(b) The provisions of subsection (c) of Section 21.5 of Chapter 324 of the 1995 Session Laws shall not apply to the Robeson County Dispute Resolution Center during the 1995–97 biennium.

Requested by: Senators Ballance, Rand, Representatives Justus, Thompson, Kiser

DRUG TREATMENT COURTS/FUNDS IN RESERVE

Sec. 21.6. (a) Chapter 7A of the General Statutes is amended by adding a new Subchapter to read:

"SUBCHAPTER XIV. DRUG TREATMENT COURTS.

"ARTICLE 62.

"North Carolina Drug Treatment Court Act.

"§ 7A-790. Short title.

This Article shall be known and may be cited as the 'North Carolina Drug Treatment Court Act of 1995'.

"§ 7A-791. Purpose.

The General Assembly recognizes that a critical need exists in this State for criminal justice system programs that will reduce the incidence of drug use and drug addiction and crimes committed as a result of drug use and drug addiction. It is the intent of the General Assembly by this Article to create a program to facilitate the creation of drug treatment court pilot programs in a minimum of two judicial districts.

"§ 7A-792. Goals.

The goals of the drug treatment court programs funded under this Article include the following:

(1) To reduce alcoholism and other drug dependencies among offenders;
(2) To reduce recidivism;
(3) To reduce the drug-related court workload;
(4) To increase the personal, familial, and societal accountability of offenders; and
(5) To promote effective interaction and use of resources among criminal justice personnel and community agencies.

"§ 7A-793. Establishment of Program.

The North Carolina Drug Treatment Court Program is established in the Administrative Office of the Courts to facilitate the creation of drug treatment court programs and the funding of pilot drug treatment court programs. Drug treatment court programs funded pursuant to this Article shall be operated consistent with the guidelines promulgated by the Director of the Administrative Office of the Courts in consultation with the State Drug Treatment Court Advisory Committee established in G.S. 7A-795. In promulgating the guidelines, the Director and the Advisory Committee shall consider the Substance Abuse and the Courts Action Plan and other recommendations of the Substance Abuse and the Courts State Task Force.

"§ 7A-794. Fund administration.

The Drug Treatment Court Program Fund is created in the Administrative Office of the Courts and is administered by the Director of the Administrative Office of the Courts in consultation with the State Drug Treatment Court Advisory Committee. The Director of the Administrative Office of the Courts shall award grants from this Fund and implement drug treatment court programs in a minimum of two judicial districts. Grants shall be awarded based upon the general guidelines set forth by the Director of the Administrative Office of the Courts and the State Drug Treatment Court Advisory Committee.

"§ 7A-795. State Drug Treatment Court Advisory Committee.

The State Drug Treatment Court Advisory Committee is established to develop guidelines for the drug treatment court program and to monitor programs wherever they are implemented. The Committee shall be chaired by the Director of the Administrative Office of the Courts or the Director's designee and shall consist of not less than seven members appointed by the Director and broadly representative of the courts, corrections, and substance abuse treatment communities.

"§ 7A-796. Local drug treatment court management committee.

Each judicial district choosing to establish a drug treatment court or applying to participate in a funded pilot program shall form a local drug treatment court management committee, consisting of the following persons, appointed by the senior resident superior court judge with the concurrence of the district attorney for that district:

(1) A judge of the superior court;
(2) A judge of the district court;
(3) A district attorney or assistant district attorney;
(4) A public defender or assistant public defender in judicial districts served by a public defender;
(5) A member of the private criminal defense bar;
(6) A clerk of superior court;
(7) The trial court administrator in judicial districts served by a trial court administrator;
(8) A probation officer;
(9) A local law enforcement officer;
(10) A representative of the local community college;
(11) A representative of the treatment providers;
(12) The local program director provided for in G.S. 7A-798; and
(13) Any other persons selected by the local management committee.

The local drug treatment court management committee shall develop local guidelines and procedures, not inconsistent with the State guidelines, that are necessary for the operation and evaluation of the local drug treatment court.

"§ 7A-797. Eligible population; drug treatment court procedures.

The Director of the Administrative Office of the Courts, in conjunction with the State Drug Treatment Court Advisory Committee, shall develop criteria for eligibility and other procedural and substantive guidelines for drug treatment court operation.

"§ 7A-798. Drug treatment court grant application; local program director.

(a) Grant applications for the pilot programs shall be submitted to the Director of the Administrative Office of the Courts, in such form and with such information as the Director may require consistent with the provisions of this Article. Grants shall be awarded to two or more judicial districts that submit the most comprehensive and feasible plans for the implementation and operation of a drug treatment court. The Director shall award and administer grants in accordance with any laws made for that purpose, including appropriations acts and provisions in appropriations acts, and may adopt rules for the implementation, operation, and monitoring of grant-funded programs.

(b) Grant applications shall specify a local program director who shall be responsible for local administration of the project. Grant funds may be used to fund a full-time or part-time local program director position. The local program director may be an employee of the grant recipient, an employee of the court, or a grant-established position under the senior resident superior court judge or chief district court judge.

"§ 7A-799. Treatment not guaranteed.

Nothing contained in this Article shall confer a right or an expectation of a right to treatment for a defendant or offender within the criminal justice system.

"§ 7A-800. Payment of costs of treatment program.

Each defendant shall contribute to the cost of the substance abuse treatment received in the drug treatment court program, based upon guidelines developed by the local drug treatment court management committee.

"§ 7A-801. Plan for evaluation.

Each grant application requesting funding for the pilot program shall include a method for evaluating the pilot program's effectiveness, based upon the goals stated in G.S. 7A-792. Each funded program shall submit evaluation reports to the Administrative Office of the Courts as requested. Additionally, the Administrative Office of the Courts shall be responsible for developing an evaluation model on the State level to compare the effectiveness of all pilot programs and shall submit a report to the General Assembly by May 1, 1998."

(b) Funds to implement and evaluate the pilot programs established under the North Carolina Drug Treatment Court Act shall be allocated from the reserve of eight hundred thousand dollars ($800,000) created in Section 41 of Chapter 24 of the Session Laws of the 1994 Extra Session. These funds shall be used primarily to provide substance abuse treatment, but the sum of two hundred thousand dollars ($200,000) for the 1995-96 fiscal year shall be used to fund systemwide equipment needs and the sum of forty-three thousand seven hundred seventy-five dollars ($43,775) for the 1995-96 fiscal year and the sum of fifty-two thousand five hundred fifty-one thousand dollars ($52,551) for the 1996-97 fiscal year may be used to fund one program administrator position.

(c) Subsection (a) of this section becomes effective July 1, 1995, and expires June 30, 1998. The remainder of this section becomes effective October 1, 1995.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Kiser

ADD ADDITIONAL ASSISTANT DISTRICT ATTORNEYS

Sec. 21.7. G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	~~7~~ 8
2	Beaufort, Hyde, Martin, Tyrrell, Washington	4
3A	Pitt	~~6~~ 7
3B	Carteret, Craven, Pamlico	6
4	Duplin, Jones, Onslow, Sampson	10
5	New Hanover, Pender	9
6A	Halifax	3
6B	Bertie, Hertford, Northampton	3

7	Edgecombe, Nash, Wilson	10
8	Greene, Lenoir, Wayne	8
9	Franklin, Granville, Vance, Warren	~~7~~ 8
9A	Person, Caswell	2
10	Wake	~~19~~ 20
11	Harnett, Johnston, Lee	~~9~~ 10
12	Cumberland	12
13	Bladen, Brunswick, Columbus	6
14	Durham	9
15A	Alamance	6
15B	Orange, Chatham	5
16A	Scotland, Hoke	3
16B	Robeson	7
17A	Rockingham	4
17B	Stokes, Surry	4
18	Guilford	~~17~~ 18
19A	Cabarrus	4
19B	Montgomery, Randolph	5
19C	Rowan	4
20	Anson, Moore, Richmond, Stanly, Union	~~11~~ 12
21	Forsyth	12
22	Alexander, Davidson, Davie, Iredell	11
23	Alleghany, Ashe, Wilkes, Yadkin	4
24	Avery, Madison, Mitchell, Watauga, Yancey	3
25	Burke, Caldwell, Catawba	11
26	Mecklenburg	~~23~~ 24
27A	Gaston	8
27B	Cleveland, Lincoln	5
28	Buncombe	8
29	Henderson, McDowell, Polk, Rutherford, Transylvania	8
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	6

Requested by: Senators Ballance, Rand, Representatives Justus, Thompson, Kiser

MEDIATED SETTLEMENT CONFERENCE FUNDS

Sec. 21.8. Of the funds appropriated to the Judicial Department for the 1995–96 fiscal year, the sum of sixty thousand seventeen dollars ($60,017) shall be used to support the operation of the Dispute Resolution Commission to carry out the Mediated Settlement Conferences program. Any fees collected pursuant to

G.S. 7A-38.2(d) shall be placed in a reserve and may not be expended until the 1996-97 fiscal year.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Kiser

CRIMINAL CASE MANAGEMENT FUNDS

Sec. 21.10. Of the funds appropriated to the Judicial Department for the 1995-97 biennium, the Administrative Office of the Courts shall use the sum of fifty thousand dollars ($50,000) for the 1995-96 fiscal year and the sum of fifty thousand dollars ($50,000) for the 1996-97 fiscal year to establish a criminal case management pilot program in the Twelfth and Thirteenth Judicial Districts to help reduce the backlog of court cases and resolve new court cases quicker. A case management facilitator position shall be added to the district attorney's office in both of those judicial districts to help implement the pilot program and the positions shall be filled after consultation with the Senior Resident Superior Court Judges in both of those judicial districts.

The Administrative Office of the Courts shall report by May 1, 1996 to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the pilot program.

PART 22. DEPARTMENT OF JUSTICE

Requested by: Senators Ballance, Rand, Plyler, Perdue, Odom,
Representatives Justus, Thompson, Kiser,
Holmes, Creech, Esposito

DEPARTMENT OF JUSTICE RECORD CHECKS STAFF AND FIREARMS TRAINING FUNDS

Sec. 22. (a) Of the funds appropriated in this act to the Department of Justice for the 1995-97 biennium, the sum of two hundred ninety-seven thousand four hundred seventy-three dollars ($297,473) may be used to add nine positions in the State Bureau of Investigation to facilitate record checks that are performed as a result of legislation ratified during the 1995 Session.

(b) The Department of Justice may use, for each year of the 1995-97 biennium, the sum of up to three hundred seventy-nine thousand two hundred eighty-seven dollars ($379,287) to add 15 positions in the State Bureau of Investigation to facilitate record checks for concealed weapons permits. The Office of State Budget and Management may adjust the allotment of appropriations to the Department of Justice until receipts are realized. If the number of criminal record checks performed by the Department of Justice falls below the level of 10,000 checks per one and one-half positions, the number of positions performing records checks shall be reduced by the Department accordingly.

(c) The Department of Justice may charge a fee for the reasonable costs of the firearms safety courses required for a concealed weapon permit. The Department of Justice may use up to one hundred thousand dollars ($100,000) of its State appropriations to pay the costs of developing standards and implementing firearms safety courses until receipts from the courses are sufficient and available to pay the cost of those courses.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Kiser

CONCEALED WEAPON PERMITS

Sec. 22.1. (a) G.S. 14–415.19 as enacted by Chapter 398 of the 1995 Session Laws reads as rewritten:

"§ 14–415.19. Fees.

(a) The permit fees assessed under this Article are payable to the sheriff. The sheriff shall transmit the proceeds of these fees to the county finance officer ~~to be used to pay the costs of the criminal record checks and investigations required under this Article.~~ to be remitted or credited by the county finance officer in accordance with the provisions of this subsection. The permit fees are as follows:

Application fee .....~~$50.00~~ $80.00
Renewal fee .....~~$50.00~~ $80.00
Duplicate permit fee $15.00

The county finance officer shall remit sixty dollars ($60.00) of each application or renewal fee to the North Carolina Department of Justice for the costs of State and federal criminal record checks performed in connection with processing applications and for the implementation of the provisions of this Article. The remaining twenty dollars ($20.00) of each application or renewal fee shall be used by the sheriff to pay the costs of administering this Article and for other law enforcement purposes. The county shall expend the restricted funds for these purposes only.

(b) An additional fee, not to exceed ten dollars ($10.00), shall be collected by the sheriff from an applicant for a permit to pay for the costs of processing the applicant's fingerprints. This fee shall be retained by the ~~law enforcement office that processes the fingerprints.~~ sheriff."

(b) G.S. 14–415.13(a) reads as rewritten:

"(a) A person shall apply to the sheriff of the county in which the person resides to obtain a concealed handgun permit. The applicant shall submit to the sheriff all of the following:

(1) An application, completed under oath, on a form provided by the sheriff.
(2) A nonrefundable permit fee.
(3) A full set of fingerprints of the applicant administered by a ~~law enforcement agency of this State.~~ the sheriff.
(4) An original certificate of completion of an approved course, adopted and distributed by the North Carolina Criminal Justice Education and Training Standards Commission, signed by the certified instructor of the course attesting to the successful completion of the course by the applicant which shall verify that the applicant is competent with a handgun and knowledgeable about the laws governing the carrying of a concealed handgun and the use of deadly force.
(5) A release, in a form to be prescribed by the Administrative Office of the Courts, that authorizes and requires disclosure to the sheriff of any records concerning the mental health or capacity of the applicant."

(c) G.S. 14–415.11(b) reads as rewritten:

"(b) The sheriff shall issue a permit to carry a concealed handgun to a person who qualifies for a permit under G.S. 14–415.12. The permit shall be valid throughout the State for a period of ~~three~~ four years from the date of issuance."

(d) The Department of Justice shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Co–chairs of the Joint Appropriations Committee, and the Co–chairs of the Subcommittees on Justice and Public Safety on the receipts, costs for, and number of criminal record checks performed in connection with applications for concealed weapons permits. The report by the Department of Justice shall also include information on the number of applications received and approved for firearms safety courses.

(e) This section becomes effective December 1, 1995.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Kiser

CONCEALED WEAPON PERMIT RENEWAL

Sec. 22.2. (a) G.S. 14–415.13(b) reads as rewritten:

"(b) The sheriff shall submit the fingerprints to the State Bureau of Investigation for a records check of State and national databases. The State Bureau of Investigation shall submit the fingerprints to the Federal Bureau of Investigation as necessary. The cost of processing the set of fingerprints shall be charged to an applicant as provided by G.S. 14–415.19. ~~The fingerprints of an applicant who is issued a permit shall be retained for future use in the event the permit is renewed, and shall be retained until any valid permit expires and is not renewed.~~"

(b) G.S. 14–415.16 reads as rewritten:

"§ **14–415.16. Renewal of permit.**

The holder of a permit shall apply to renew the permit at least 30 days prior to its expiration date by filing with the sheriff of the county in which the person resides a renewal form provided by the sheriff's office, a notarized affidavit stating that the permittee remains qualified under the criteria provided in this Article, a newly administered full set of the permittee's fingerprints, and a renewal fee. Upon receipt of the completed renewal ~~application and~~ application, including the permittee's fingerprints, and the appropriate payment of fees, the sheriff shall determine if the permittee remains qualified to hold a permit in accordance with the provisions of G.S. 14–415.12. The permittee's criminal history shall be updated, and the sheriff may waive the requirement of taking another firearms safety and training course. If the permittee applies for a renewal of the permit within 30 days of its expiration date and if the permittee remains qualified to have a permit under G.S. 14–415.12, the sheriff shall renew the permit."

(c) This section becomes effective December 1, 1995.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Kiser

REIMBURSEMENT FOR UNC BOARD OF GOVERNORS LEGAL REPRESENTATION

Sec. 22.4. The Department of Justice shall be reimbursed by the Board of Governors of The University of North Carolina for two Attorney III positions to provide legal representation to The University of North Carolina system.

PART 23. DEPARTMENT OF HUMAN RESOURCES

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

PHYSICIAN SERVICES

Sec. 23.1. With the approval of the Office of State Budget and Management, the Department of Human Resources may use funds appropriated in this act for across–the–board salary increases and performance pay to offset similar increases in the costs of contracting with private and independent universities for the provision of physician services to clients in facilities operated by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. This offsetting shall be done in the same manner as is currently done with constituent institutions of The University of North Carolina.

Requested by: Representatives Gardner, Hayes, Nye,
Senators Martin of Guilford, Forrester

AREA AUTHORITY ACCOUNTABILITY/STATE ACTION

Sec. 23.2. Part 2 of Article 4 of Chapter 122C of the General Statutes is amended by adding the following new sections to read:

"**§ 122C–124. Area Authority funding suspended.**

The Secretary of the Department of Human Resources may suspend funding to any area authority with a revenue or expenditure budget variance of ten percent (10%) or a significant deterioration in the fund balance of the authority's general fund. A significant deterioration of fund balance is defined as a twenty–five percent (25%) decrease in the balance from one fiscal year to the next without the prior approval of the Department. Area authorities shall report any such revenue or expenditure variance or deterioration in fund balance to the Department of Human Resources within 30 days of its occurrence. In the event that funding is suspended, the Department of Human Resources may contract with, and make payments of Department funds on an interim basis directly to, a contract provider of the area authority to avoid the disruption of direct services to clients.

Upon suspension of funding, the Department shall, in conjunction with the area authority, develop and implement a corrective plan of action and provide notification to the area authority's board of directors of the plan. The Department shall also keep the county board of commissioners and the area authority's board of directors informed of any ongoing concerns or problems with the area authority's finances.

"**§ 122C–125. Area Authority financial failure; State assumption of financial control.**

At any time that the Secretary of the Department of Human Resources determines that an area authority is in imminent danger of failing financially and of failing to provide direct services to clients, the Secretary may assume control of the financial affairs of the area authority and appoint an administrator to exercise the powers assumed. This assumption of control shall have the effect of divesting the area authority of its powers as to the adoption of budgets, expenditures of money, and all other financial powers conferred in the area authority by law. County funding of the area authority shall continue when the State has assumed control of the financial affairs of the area authority. At no time after the State has assumed this control shall a county withdraw funds previously obligated or appropriated to

the area authority. The Secretary shall adopt rules to define imminent danger of failing financially and of failing to provide direct services to clients.

Upon assumption of financial control, the Department shall, in conjunction with the area authority, develop and implement a corrective plan of action and provide notification to the area authority's board of directors of the plan. The Department shall also keep the county board of commissioners and the area authority's board of directors informed of any ongoing concerns or problems with the area authority's finances.

"**§ 122C-126. Area authority caretakers appointed.**

In the event that an area authority fails to comply with the corrective plan of action required pursuant to G.S. 122C-124 when funding is suspended or pursuant to G.S. 122C-125 when the State assumes financial control of the area authority, the Secretary of the Department of Human Resources shall appoint a caretaker administrator, a caretaker board of directors, or both.

The Secretary may assign any of the powers and duties of the director of the area authority and of the board of directors and the caretaker board to the caretaker administrator as it deems necessary and appropriate to continue to provide direct services to clients, including the powers as to the adoption of budgets, expenditures of money, and all other financial powers conferred on the area authority by law. County funding of the area authority shall continue when the State has assumed control of the financial affairs of the area authority. At no time after the State has assumed this control shall a county withdraw funds previously obligated or appropriated to the area authority. The caretaker administrator and the caretaker board shall perform all of these powers and duties. The Secretary may terminate the contract of any director when it appoints a caretaker administrator. The Administrative Procedure Act shall apply to any such decision. Neither party to any such contract shall be entitled to damages.

After a caretaker board has been appointed, the General Assembly shall consider, at its next regular session, the future governance of the identified area authority."

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

AREA AUTHORITY BOARD TRAINING

Sec. 23.3. Part 2 of Article 4 of Chapter 122C of the General Statutes is amended by inserting the following new section to read:

"**§ 122C-119.1. Area Authority board members' training.**

All members of an area authority's board of directors shall receive initial orientation on board members' responsibilities and training provided by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Human Resources in fiscal management, budget development, and fiscal accountability. A member's refusal to be trained may be grounds for removal from the board."

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

CONFIDENTIAL CLIENT INFORMATION SHARING CLARIFIED

Sec. 23.4. G.S. 122C-53(i) reads as rewritten:

"(i) Upon the request of ~~a client,~~ (i) a client who is an adult and who has not been adjudicated incompetent under Chapter 35A or former Chapters 33 or 35 of

the General Statutes, or (ii) the legally responsible person for any other client, a facility shall disclose to an attorney confidential information relating to that client."

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

NONMEDICAID REIMBURSEMENT CHANGES

Sec. 23.5. Section 23.16 of Chapter 324 of the 1995 Session Laws reads as rewritten:

"Sec. 23.16. Providers of medical services under the various State programs, other than Medicaid, offering medical care to citizens of the State shall be reimbursed at rates no more than those under the North Carolina Medical Assistance Program. Hospitals that provide psychiatric inpatient care for Thomas S. class members or adults with mental retardation and mental illness may be paid an additional incentive payment not to exceed fifteen percent (15%) of their regular daily per diem reimbursement.

The Department of Human Resources may reimburse hospitals at the full prospective per diem rates without regard to the Medical Assistance Program's annual limits on hospital days. When the Medical Assistance Program's per diem rates for inpatient services and its interim rates for outpatient services are used to reimburse providers in non–Medicaid medical service programs, retroactive adjustments to claims already paid shall not be required.

Notwithstanding the provisions of paragraph one, the Department of Human Resources may negotiate with providers of medical services under the various Department of Human Resources programs, other than Medicaid, for rates as close as possible to Medicaid rates for the following purposes: contracts or agreements for medical services and purchases of medical equipment and other medical supplies. These negotiated rates are allowable only to meet the medical needs of its non–Medicaid eligible patients, residents, and clients who require such services which cannot be provided when limited to the Medicaid rate.

Maximum net family annual income eligibility standards for services in these programs shall be as follows:

Family Size	Medical Eye Care Adults	All Rehabilitation	Other
1	$ 4,860	$ 8,364	$ 4,200
2	5,940	10,944	5,300
3	6,204	13,500	6,400
4	7,284	16,092	7,500
5	7,824	18,648	7,900
6	8,220	21,228	8,300
7	8,772	21,708	8,800
8	9,312	22,220	9,300

The eligibility level for children in the Medical Eye Care Program in the Division of Services for the Blind and for adults in the Clozaril Program in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services shall be one hundred percent (100%) of the federal poverty guidelines, as revised annually by the United States Department of Health and Human Services and in effect on July 1 of each fiscal year. Additionally, those adults enrolled in the Clozaril Program who become gainfully employed may continue to be eligible to receive State support, in decreasing amounts, for the purchase of Clozaril and related services up to three hundred percent (300%) of the poverty level.

State financial participation in the Clozaril Program for those enrollees who become gainfully employed is as follows:

Income (% of poverty)	State Participation	Client Participation
0–100%	100%	0%
101–120%	95%	5%
121–140%	85%	15%
141–160%	75%	25%
161–180%	65%	35%
191–180%	65%	35%
201–220%	45%	55%
221–240%	35%	65%
241–260%	25%	75%
261–280%	15%	85%
281–300%	5%	95%
301%–over	0%	100%.

The Department of Human Resources shall contract at, or as close as possible to, Medicaid rates for medical services provided to residents of State facilities of the Department."

Requested by: Senators Martin of Guilford, Forrester,
Representatives Gardner, Hayes, Nye

BLUE RIBBON TASK FORCE ON THE ISSUE OF THE POTENTIAL IMPACT OF FEDERAL BLOCK GRANT FUNDING AND OTHER FEDERAL ACTIONS ON MEDICAID IN NORTH CAROLINA.

Sec. 23.5A. (a) There is established in the General Assembly a Blue Ribbon Task Force on the issue of the potential impact of federal block grant funding and other federal actions on Medicaid in North Carolina. The task force's study shall include:

(1) An examination of the potential impacts on all of North Carolina's diverse populations effected by Medicaid and on all of North Carolina's organizations that provide programs and services related to Medicaid;

(2) A determination of the fiscal and organizational adjustments that would need to be made to balance each of the potential impacts;

(3) A recommendation of how best the General Assembly may address Medicaid and related issues; and

(4) Any other Medicaid-related issues.

(b) The task force shall be composed of 12 members, six of whom shall be members of the House of Representatives at the time of their appointment, appointed by the Speaker of the House of Representatives, and six of whom shall members of the Senate at the time of their appointment, appointed by the President *Pro Tempore* of the Senate.

The Speaker of the House of Representatives and the President *Pro Tempore* of the Senate shall each select a member from their appointments to serve as cochair of the task force. Meetings shall be called at the will of the cochairs.

All members shall serve at the will of their appointing officer. Unless removed or unless resigning, members shall serve until the task force has made its

report. Vacancies in membership shall be filled by the appropriate appointing officer.

(c) The task force may contract for consultant services as provided by G.S. 120–32.02. Upon approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign professional and clerical staff to assist in the work of the task force. The professional staff shall include the appropriate staff from the Fiscal Research, Research, and Legislative Drafting Divisions of the Legislative Services Office of the General Assembly. Clerical staff shall be furnished to the task force through the offices of House of Representatives and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the task force. The task force may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The task force, while in the discharge of official duties, may exercise all the powers provided under the provisions of G.S. 120–19 through G.S. 120–19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information and any data within their possession or ascertainable from their records, and the power to subpoena witnesses.

Members of the task force shall receive per diem, subsistence, and travel allowances pursuant to G.S. 120–3.1 or Chapter 138, if a member leaves the General Assembly prior to the termination of the task force and remains on the task force.

(d) The task force shall report the results of its study, together with any legislative proposals and cost analyses, to the 1995 General Assembly, Regular Session 1996, within a week of its convening or to a special session of the 1995 General Assembly called to deal with federal block grant funding issues.

Requested by: Representatives Gardner, Hayes, Nye,
Senators Martin of Guilford, Forrester

CONTINUATION BUDGET AFDC OPTION ELIMINATIONS EFFECTIVE DATE

Sec. 23.8. The eliminations of the options in the AFDC Program affecting (i) AFDC for pregnant women in their third trimester, (ii) AFDC for 18 year old children who are in school, and (iii) State Supplemental Payments to AFDC households due to the retrospective budgeting requirement made by Chapter 324 of the 1995 Session Laws shall be effective August 1, 1995.

Requested by: Senators Martin of Guilford, Forrester,
Representatives Gardner, Hayes, Nye

CLARIFICATION OF LIMITATIONS ON STATE ABORTION FUND

Sec. 23.8A. Subsection (b) of Section 23.27 of Chapter 324 of the 1995 Session Laws reads as rewritten:

"(b) Eligibility for services of the State Abortion Fund shall be limited to women whose income is below the federal poverty level, as revised annually, ~~or~~ and who are not eligible for Medicaid. The State Abortion Fund shall be used to fund abortions only to terminate pregnancies resulting from cases of rape or incest, or to terminate pregnancies that, in the written opinion of one doctor licensed to practice medicine in North Carolina, endanger the life of the mother."

Requested by: Senators Martin of Guilford, Forrester, Representatives Gardner, Hayes, Nye

CONTINUATION OF THE LEGISLATIVE STUDY OF THE EFFECT OF FEDERAL BUDGETARY POLICY ON WELFARE REFORM

Sec. 23.8B. (a) The Legislative Study Commission on Welfare Reform, established by Section 47 of Chapter 24, 1993 Session Laws, Extra Session 1994, is continued. Subsections (d) and (e) of Section 47 of Chapter 24, 1993 Session Laws, Extra Session 1994, are repealed. The Commission's continued study shall focus on the effects of federal budgetary policy on welfare reform.

(b) The continued Legislative Study Commission on Welfare Reform shall submit a final report to the General Assembly on or before the first day of the 1995 General Assembly, Regular Session 1996, or on or before the first day of any extra session of the 1995 General Assembly called specifically to address welfare reform. Upon filing its final report, the Commission shall terminate, unless reauthorized by the General Assembly.

Requested by: Senators Martin of Guilford, Forrester, Representatives Gardner, Hayes, Nye

CLARIFICATION OF AUTHORIZED ADDITIONAL USE OF HIV FOSTER CARE FUNDS

Sec. 23.9. In addition to providing board payments to foster families of HIV-infected children as prescribed in Chapter 324 of the 1995 Session Laws, any additional funds remaining that were appropriated in Chapter 324 of the 1995 Session Laws for this purpose shall be used as follows:

(1) To provide medical training in avoiding HIV transmission in the home; and

(2) To transfer funds to the Department of Environment, Health, and Natural Resources to create three social work positions within the Department of Environment, Health, and Natural Resources, for the eastern part of North Carolina to enable the case-managing of families with HIV-infected children so that the children and the parents get access to medical care and so that child protective services issues are addressed rapidly and effectively. The three positions shall be medically based and located:

a. One in the northeast, covering Northampton, Hertford, Halifax, Gates, Chowan, Perquimans, Pasquotank, Camden, Currituck, Bertie, Wilson, Edgecombe, and Nash Counties;

b. One in the central east, covering Martin, Pitt, Washington, Tyrrell, Dare, Hyde, Beaufort, Jones, Greene, Craven, and Pamlico Counties; and

c. One in the southeast, covering New Hanover, Robeson, Brunswick, Carteret, Onslow, Lenoir, Pender, Duplin, Bladen, and Columbus Counties.

Requested by: Senators Perdue, Plyler, Odom, Martin of Guilford, Forrester, Representatives Gardner, Hayes, Nye

ADULT CARE HOME REIMBURSEMENT RATE/ADULT CARE HOME ALLOCATION OF NONFEDERAL COST OF MEDICAID PAYMENTS

Sec. 23.10. (a) Effective July 1, 1995, the maximum monthly rate for residents in adult care home facilities shall be nine hundred seventy-five dollars

($975.00) per month for ambulatory residents and one thousand seventeen dollars ($1,017) per month for semiambulatory residents.

(b) Effective August 1, 1995, the maximum monthly rate for residents in adult care home facilities shall be eight hundred forty–four dollars ($844.00) per month per resident.

(c) Effective August 1, 1995, the Department of Human Resources may use the remaining funds available from the State/County Special Assistance appropriation to provide:

(1) Needed Medicaid–covered services, specifically one hour of personal care services per day to all Medicaid–eligible residents and a maximum of 50 additional hours per month of personal care services for residents who require heavy care;

(2) Funds to the area mental health authorities to provide wraparound services for adult home care residents with mental health conditions;

(3) Funds for the implementation of the provisions of G.S. 131D–4.1 and G.S. 131D–4.2, including funds for necessary additional staff.

(d) The eligibility of Special Assistance recipients residing in adult care homes on August 1, 1995, shall not be affected by an income reduction in the Special Assistance eligibility criteria resulting from adoption of the Rate Setting Methodology Report and Related Services, providing these recipients are otherwise eligible.

(e) Effective August 1, 1995, the State shall pay fifty percent (50%) and the county shall pay fifty percent (50%) of the nonfederal costs of Medicaid services paid to adult care home facilities. As Medicaid personal care requirements increase, the county matching share shall be capped until it equals fifteen percent (15%) of the nonfederal Medicaid personal care requirements.

(f) To maximize Medicaid funding, the Department of Human Resources may take the temporary measures necessary to implement Medicaid funding during the period from August 1, 1995, through September 30, 1995. This authorization includes authorization to continue payment of State/County Assistance at the July 1995 rates until the Health Care Financing Administration approval of Medicaid personal care services with future recoupment from providers of an amount equal to the difference between the July 1995 rates and the August 1995 rates.

Requested by: Representatives Creech, Hayes, Gardner,
Senator Martin of Guilford

DOMICILIARY CARE REPORT

Sec. 23.11A. The Secretary of the Department of Human Resources shall report quarterly, beginning October 1, 1995, to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division of the Legislative Services Office on the planning and status of implementation of the following:

(1) Rate setting and financing of domiciliary care, including the use of Medicaid funds for personal care services;

(2) Quality assurance and enhancement of domiciliary care, including case management for residents with special care needs, monitoring of domiciliary care facilities and specialized training of direct care staff; and

(3) The process for the evaluation of the Domiciliary Care Financing and Quality Assurance Program.

Requested by: Senators Perdue, Plyler, Odom, Martin of Guilford, Forrester, Representatives Gardner, Hayes, Nye

LIMITATION ON USE OF SPECIAL ALZHEIMER'S UNIT IN WILSON

Sec. 23.11B. The Special Alzheimer's Unit established in Wilson by funds appropriated in this act shall serve only those clients who cannot be served by any similar private facility.

Requested by: Senators Perdue, Plyler, Odom, Martin of Guilford, Forrester, Representatives Gardner, Hayes, Nye, Holmes, Creech, Esposito

ALZHEIMER'S ASSOCIATION OF NORTH CAROLINA FUNDS

Sec. 23.11C. Of the funds appropriated to the Division of Aging, Department of Human Resources, in this act, the sum of one hundred thousand dollars ($100,000) for the 1995–96 fiscal year shall be divided equally among the four chapters of the Alzheimer's Association of North Carolina, which are the Western Alzheimer's Chapter, the Southern Piedmont Alzheimer's Chapter, the Eastern Alzheimer's Chapter, and the Triad Alzheimer's Chapter. Each Chapter shall submit to the Division of Aging, for approval, a plan for the use of these funds, prior to receipt of these funds.

Requested by: Senators Perdue, Plyler, Odom, Martin of Guilford, Forrester, Representatives Gardner, Hayes, Nye, Holmes, Creech, Esposito

IN–HOME AIDE FUNDS

Sec. 23.11D. Of the funds appropriated to the Division of Aging, Department of Human Resources, in this act, the sum of five hundred thousand dollars ($500,000) for the 1995–96 fiscal year and the sum of five hundred thousand dollars ($500,000) for the 1996–97 fiscal year shall be allocated via the Home and Community Care Block Grant and used to fund in–home aide services and caregiver support services. These funds shall be used only for direct services.

Requested by: Senators Perdue, Plyler, Odom, Martin of Guilford, Forrester, Representatives Gardner, Hayes, Nye, Holmes, Creech, Esposito

SERVICES TO OLDER ADULTS, ADULTS WITH DISABILITIES, AT–RISK CHILDREN AND YOUTH, AND FAMILIES

Sec. 23.11E. Of the funds appropriated to the Department of Human Resources in this act for the 1995–96 fiscal year, the sum of two million dollars ($2,000,000) shall be allocated as grants–in–aid to public and private nonprofit human services organizations for programs that provide services, including vocational rehabilitation services, to older adults, adults with disabilities, at–risk children and youth, and families. Prior to any allocation, programs requesting funds shall submit a plan to the Department detailing the use of these funds.

Requested by: Senators Plyler, Perdue, Odom, Martin of Guilford, Representatives Gardner, Hayes, Nye

INDEPENDENT LIVING REHABILITATION FUNDS

Sec. 23.11F. (a) The Division of Vocational Rehabilitation Services, Department of Human Resources, shall expand the Independent Living Rehabilitation Program by establishing a new office in Stanly County in 1995–96, by providing for the service needs of eligible citizens served in existing program offices, and by providing adequate administrative support to existing offices and the new offices established pursuant to this section.

(b) Any funds appropriated in this act for the 1995–96 fiscal year for the purpose specified in subsection (a) of this section that are not required to be expended or encumbered for this purpose may be used during the 1995–96 fiscal year for one–time service purchases for Independent Living Rehabilitation Program clients waiting for services in existing offices.

Requested by: Representatives Dickson, Gardner, Hayes,
Senators Martin of Guilford, Forrester

PRIMARY CARE FUNDS

Sec. 23.12. The Department of Human Resources may combine and allocate funds appropriated for the Office of Rural Health and Resource Development for recruitment and retention of primary care providers in medically underserved areas into one Provider Incentive Fund. Funds in the Provider Incentive Fund may be allocated for purposes of enhancing recruitment and retention of primary care providers in medically underserved areas and for other purposes related to the enhancement of health services to medically underserved communities.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

MODIFIED WILDERNESS EDUCATION CAMP PROGRAM

Sec. 23.13. Of the three million thirty–six thousand three hundred fifty–two dollars ($3,036,352) appropriated in Chapter 324 of the 1995 Session Laws for two additional Wilderness Camps approved by the 1993 General Assembly, Extra Session 1994, one million five hundred eighteen thousand one hundred seventy–six dollars ($1,518,176) shall be used to fund a Modified Wilderness Education Camp Program in the Department of Human Resources that shall emphasize education for juveniles under the age of 16 referred by the public schools. If the Modified Wilderness Education Camp is discontinued, funds for this purpose shall be directed to operate a traditional Wilderness Camp Program.

Requested by: Representatives Gardner, Hayes,
Senator Martin of Guilford

DETENTION FACILITY CONSTRUCTION FUNDS

Sec. 23.15. Of the funds appropriated to the Department of Human Resources in Chapter 24 of the 1993 Session Laws, Extra Session 1994, for construction of a 24–bed juvenile detention facility in Wake County, the Department of Human Resources may use the sum of one million six hundred thousand dollars ($1,600,000) to construct a 24–bed facility at any available location in the State.

Requested by: Senators Martin of Guilford, Forrester,
Representatives Gardner, Hayes, Nye

FAMILY SUPPORT/DEAF AND HARD OF HEARING SERVICES CONTRACT

Sec. 23.17. (a) Of the funds appropriated to the Division of Services for the Deaf and Hard of Hearing, Department of Human Resources, in Chapter 324 of the 1995 Session Laws for family support services, the sum of five hundred thousand dollars ($500,000) for each fiscal year of the biennium shall be used to contract with a private, nonprofit corporation licensed to do business in North Carolina to perform those services currently being offered by the Family Resource Centers within the Division of Services for the Deaf and Hard of Hearing, including family support and advocacy services as well as technical assistance to professionals who work with families of hearing impaired children.

(b) The Office of State Budget and Management shall perform a performance audit of the private, nonprofit contract program at the end of this first year. In conducting the audit, the Office of State Budget and Management shall use the field work standards for performance audits as published by the Comptroller General of the United States. The Office of State Budget and Management shall report the results of this audit to the General Assembly, the Fiscal Research Division of the Legislative Services Office, and the Department of Human Resources by December 1, 1996.

(c) From funds appropriated in Chapter 324 of the 1995 Session Laws for the 1995–96 fiscal year to the Division of Services for the Deaf and Hard of Hearing, Department of Human Resources, for early intervention services, the Division shall develop, with participation from the Department of Public Instruction, the Department of Environment, Health, and Natural Resources, and Beginnings, Inc., (i) a comprehensive plan for early intervention, outreach, evaluation, and training to serve deaf education statewide and (ii) a plan to use the Central North Carolina School for the Deaf in Greensboro as a statewide resource.

Requested by: Representatives Gardner, Hayes, Nye,
Senators Martin of Guilford, Forrester

DEAF EDUCATION IMPROVEMENTS

Sec. 23.18. Of the funds appropriated to the Division of Services for the Deaf and Hard of Hearing, Department of Human Resources, in this act, the sum of five hundred thousand dollars ($500,000) for the 1995–96 fiscal year and the sum of one million five hundred thousand dollars ($1,500,000) for the 1996–97 fiscal year shall be used to improve the quality of public education that the State provides to deaf and hard of hearing children through the three North Carolina Schools for the Deaf in Morganton, Greensboro, and Wilson. These improvements shall include additional staff for curriculum enhancement, expansion of the extended school year program, and establishment of programs for behaviorally and emotionally handicapped (BEH) deaf and hard of hearing children and for post–secondary enrichment.

Requested by: Senators Martin of Guilford, Forrester,
Representatives Gardner, Hayes, Nye

ANNUAL REPORT ON CARING PROGRAM FOR CHILDREN, INC.

Sec. 23.19A. The Caring Program for Children, Inc., shall report annually by May 1 to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office, beginning with May 1, 1996, on its program for providing health care for children.
This report shall include the number of children served and the cost per child served.

Requested by: Senators Martin of Guilford, Forrester,
Representatives Gardner, Hayes, Nye

BRAILLE LITERACY FUNDS

Sec. 23.21. Of the funds appropriated in this act to the Division of Services for the Blind, Department of Human Resources, the sum of one hundred seventy–five thousand dollars ($175,000) for the 1995–96 fiscal year and the sum of one hundred seventy–five thousand dollars ($175,000) for the 1996–97 fiscal year, shall be used for braille literacy, for up to four professionals certified as

teachers of the visually impaired to assist local school administrative units primarily in rural areas of the State in providing appropriate services for students who are visually impaired.

Requested by: Senators Martin of Guilford, Forrester,
Representatives Gardner, Hayes, Nye

EMERGENCY BACKUP FOR HEART–LUNG BYPASS MACHINE

Sec. 23.22. The acquisition of a second heart–lung bypass machine by a health service facility that has only one heart–lung bypass machine is exempt from review under Article 9 of Chapter 131E of the General Statutes, in order to ensure appropriate coverage for emergencies. In no instance shall both machines be scheduled for use simultaneously after the second machine is acquired.

Requested by: Senators Odom, Martin of Guilford, Forrester,
Representatives Gardner, Hayes, Nye

THOMAS S. LAWSUIT COMPLIANCE

Sec. 23.23. The Department of Justice and the Department of Human Resources shall pursue all administrative and legal options necessary to enable the State to resolve the Thomas S. lawsuit in the most expeditious and cost–effective manner possible and to seek elimination of the necessity for oversight by a special master.

Requested by: Senators Odom, Martin of Guilford, Forrester,
Representatives Gardner, Hayes, Nye

MENTAL HEALTH STUDY COMMISSION STUDY OF FUNDING FOR SINGLE PORTAL OF ENTRY AND EXIT FOR DEVELOPMENTAL DISABILITIES SERVICES OF AREA MENTAL HEALTH AUTHORITIES

Sec. 23.24. The Mental Health Study Commission shall study the issue of how the mandate for a single portal of entry and exit for developmental disabilities services of area mental health authorities should be funded. The Commission shall include the results of this study in its report to the 1995 General Assembly, Regular Session 1996.

Requested by: Senators Odom, Plyler, Perdue, Martin of Guilford, Forrester,
Representatives Shubert, Holmes, Creech,
Esposito, Gardner, Hayes, Nye

MANDATE CRIMINAL HISTORY CHECKS OF CHILD DAY CARE PROVIDERS AND STUDY USE OF CENTRAL REGISTRY ON CHILD ABUSE AND NEGLECT

Sec. 23.25. (a) Article 7 of Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110–90.2. Mandatory day care providers' criminal history checks.

(a) For purposes of this section:

(1) 'Child day care', notwithstanding the definition in G.S. 110–86, means any child day care provided in child day care facilities and child day care homes, including child day care facilities and child day care homes required to be licensed or registered under this Article and nonregistered child day care homes approved to receive or receiving State or federal funds for providing child day care.

(2) 'Child day care provider' means a person who:

a. Is employed by or seeks to be employed by a child day care facility or child day care home providing child day care as defined in subdivision (1) of this subsection; or

b. Owns or operates or seeks to own or operate a child day care facility or child day care home providing child day care as defined in subdivision (1) of this subsection.

(3) 'Criminal history' means a county, state, or federal criminal history of conviction or pending indictment of a crime, whether a misdemeanor or a felony, that bears upon an individual's fitness to have responsibility for the safety and well-being of children as set forth in G.S. 110-90.1. Such crimes include the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes: Article 6, Homicide; Article 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 26, Offenses Against Public Morality and Decency; Article 27, Prostitution; Article 39, Protection of Minors; Article 40, Protection of the Family; and Article 59, Public Intoxication. Such crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states.

(b) Effective January 1, 1996, the Department shall ensure that the criminal history of all child day care providers is checked and a determination is made of the child day care provider's fitness to have responsibility for the safety and well-being of children based on the criminal history. The Department shall ensure that child day care providers who have lived in North Carolina continuously for the previous five years are checked for county and State criminal histories. The Department shall ensure that all other child day care providers are checked for county, State, and national criminal histories. The Department may prohibit a child day care provider from providing child day care if the Department determines that the child day care provider is unfit to have responsibility for the safety and well-being of children based on the criminal history, in accordance with G.S. 110-90.1.

(c) The Department of Justice shall provide to the Division of Child Development, Department of Human Resources, the criminal history from the State and National Repositories of Criminal Histories of any child day care provider as requested by the Division.

The Division shall provide to the Department of Justice, along with the request, the fingerprints of the provider to be checked, any additional information required by the Department of Justice, and a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the repositories signed by the child day care provider to be checked. The fingerprints of the provider shall be forwarded to the State Bureau of Investigation for

a search of their criminal history record file and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

At the time of application the day care provider whose criminal history is to be checked shall be furnished with a statement substantially similar to the following:

'NOTICE
CHILD DAY CARE PROVIDER
MANDATORY CRIMINAL HISTORY CHECK

NORTH CAROLINA LAW REQUIRES THAT A CRIMINAL HISTORY CHECK BE CONDUCTED ON ALL PERSONS WHO PROVIDE CHILD DAY CARE IN A LICENSED OR REGISTERED CHILD DAY CARE FACILITY, AND ALL PERSONS PROVIDING CHILD DAY CARE IN NONREGISTERED CHILD DAY CARE HOMES THAT RECEIVE STATE OR FEDERAL FUNDS.

"Criminal history" includes county, state, and federal convictions or pending indictments of any of the following crimes: the following Articles of Chapter 14 of the General Statutes: Article 6, Homicide; Article 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 26, Offenses Against Public Morality and Decency; Article 27, Prostitution; Article 39, Protection of Minors; Article 40, Protection of the Family; and Article 59, Public Intoxication; violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5; or similar crimes under federal law or under the laws of other states. Your fingerprints will be used to check the criminal history records of the State Bureau of Investigation (SBI) and the Federal Bureau of Investigation (FBI).

If it is determined, based on your criminal history, that you are unfit to have responsibility for the safety and well-being of children, you shall have the opportunity to complete, or challenge the accuracy of, the information contained in the SBI or FBI identification records.

If you disagree with the determination of the North Carolina Department of Human Resources on your fitness to provide child day care, you may file a civil lawsuit in the district court in the county where you live.

Any child day care provider who intentionally falsifies any information required to be furnished to conduct the criminal history shall be guilty of a Class 2 misdemeanor.'

Refusal to consent to a criminal history check is grounds for the Department to prohibit the child day care provider from providing child day care. Any child day care provider who intentionally falsifies any information required to be furnished to conduct the criminal history shall be guilty of a Class 2 misdemeanor.

(d) The Department shall notify in writing the child day care provider, and the child day care provider's employer, if any, of the determination by the Department whether the day care provider is qualified to provide child day care based on the child day care provider's criminal history. In accordance with the law regulating the dissemination of the contents of the criminal history file furnished by the

Federal Bureau of Investigation, the Department shall not release nor disclose any portion of the child day care provider's criminal history to the child day care provider or the child day care provider's employer. The Department shall also notify the child day care provider of the procedure for completing or challenging the accuracy of the criminal history and the child day care provider's right to contest the Department's determination in court.

A child day care provider who disagrees with the Department's decision may file a civil action in the district court of the county of residence of the child day care provider.

(e) All the information that the Department receives through the checking of the criminal history is privileged information and is not a public record but is for the exclusive use of the Department and those persons authorized under this section to receive the information. The Department may destroy the information after it is used for the purposes authorized by this section after one calendar year.

(f) There shall be no liability for negligence on the part of an employer of a child day care provider, an owner or operator of a child day care home or facility, a State or local agency, or the employees of a State or local agency, arising from any action taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Article 31A of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Torts Claim Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

(g) The child day care provider who seeks to be employed in child day care and the child day care provider who seeks to own or operate child day care shall pay the cost of the fingerprinting and the local check at the time the child day care provider seeks to provide child day care. The Department of Justice shall perform the State criminal history check. The Department of Human Resources shall bear the costs of obtaining the State criminal history check. If the Department determines that a day care provider who has lived continuously in the State less than five years is not disqualified based on the local and State criminal history record check, the Department shall request a criminal history check from the National Repository of Criminal History from the Department of Justice. The Department of Human Resources shall pay the cost for the national criminal history record check."

(b) Article 2 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"**§ 114-19.5. Criminal record checks of child day care providers.**

The Department of Justice may provide to the Division of Child Development, Department of Human Resources, the criminal history from the State and National Repositories of Criminal Histories in accordance with G.S. 110-90.2, of any child day care provider, as defined in G.S. 110-90.2. The Division shall provide to the Department of Justice, along with the request, the fingerprints of the provider to be checked, any additional information required by the Department of Justice, and a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the State or National Repositories signed by the child day care provider to be checked. The Division

shall keep all information pursuant to this section privileged, as provided in G.S. 110-90.2(e). The Department of Justice shall charge a reasonable fee only for conducting the checks of the national criminal history records authorized by this section."

(c) The North Carolina Child Day Care Commission shall adopt rules to implement this section, in consultation with the Divisions of Child Development and Social Services of the Department of Human Resources, and the Division of Criminal Information of the Department of Justice.

(d) The Legislative Research Commission shall study the issue of using the records in the Central Registry on Child Abuse and Neglect for the purpose of conducting records checks of child day care providers. In its study, the Commission shall evaluate current procedures for substantiating claims of child abuse or neglect and for maintaining records in the Central Registry, and shall determine what procedures should be implemented to (i) ensure that records are accurate, (ii) provide appropriate notice to interested parties, (iii) provide for expungement or correction of information, and (iv) provide for release of information. The Commission shall report its findings and recommendations to the 1997 General Assembly.

(e) Subsection (d) of this section is effective upon ratification. The remainder of this section becomes effective January 1, 1996, and as defined in this section, applies to all child day care providers providing child day care as of that date, to all child day care providers newly hired in child day care employment, and to all child day care providers newly owning or operating child day care, on or after that date.

Requested by: Senators Odom, Plyler, Perdue, Martin of Guilford, Forrester, Representatives Shubert, Holmes, Creech, Esposito, Gardner, Hayes, Nye

MANDATE CRIMINAL HISTORY CHECKS OF ALL FOSTER PARENTS IN LICENSED FAMILY FOSTER HOMES

Sec. 23.26. (a) G.S. 131D-10.2 reads as rewritten:

"**§ 131D-10.2. Definitions.**

For purposes of this Article, unless the context clearly implies otherwise:

(1) 'Adoption' means the act of creating a legal relationship between parent and child where it did not exist genetically.

(2) 'Adoptive Home' means a family home approved by a child placing agency to accept a child for adoption.

(3) 'Child' means an individual less than 18 years of age, who has not been emancipated under the provisions of Article 56 of Chapter 7A of the General Statutes.

(4) 'Child Placing Agency' means a person authorized by statute or license under this Article to receive children for purposes of placement in residential group care, family foster homes or adoptive homes.

(5) 'Children's Camp' means a residential child-care facility which provides foster care at either a permanent camp site or in a wilderness setting.

(6) 'Commission' means the ~~Commission for Social Services.~~ Social Services Commission.

(6a) 'Criminal History' means a county, state, or federal criminal history of conviction or a pending indictment of a crime, whether a misdemeanor or a felony, that bears upon an individual's fitness to have responsibility for the safety and well-being of children, including the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes: Article 6, Homicide; Article 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 26, Offenses Against Public Morality and Decency; Article 27, Prostitution; Article 39, Protection of Minors; Article 40, Protection of the Family; and Article 59, Public Intoxication. Such crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states.

(7) 'Department' means the Department of Human Resources.

(8) 'Family Foster Home' means the private residence of one or more individuals who permanently reside as members of the household and who provide continuing full-time foster care for a child or children who are placed there by a child placing agency or who provide continuing full-time foster care for two or more children who are unrelated to the adult members of the household by blood, marriage, guardianship or adoption.

(9) 'Foster Care' means the continuing provision of the essentials of daily living on a 24-hour basis for dependent, neglected, abused, abandoned, destitute, orphaned, undisciplined or delinquent children or other children who, due to similar problems of behavior or family conditions, are living apart from their parents, relatives, or guardians in a family foster home or residential child-care facility. The essentials of daily living include but are not limited to shelter, meals, clothing, education, recreation, and individual attention and supervision.

(9a) 'Foster Parent' means any individual who is 18 years of age or older who permanently resides in a family foster home licensed by the State and any such individual applying to provide family foster care.

(10) 'Person' means an individual, partnership, joint-stock company, trust, voluntary association, corporation, agency, or other organization or enterprise doing business in this State, whether or not for profit.

(11) 'Primarily Educational Institution' means any institution which operates one or more scholastic or vocational and technical education programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose of the housing and care of children is to meet their educational needs, provided such institution has complied with Article 39 of Chapter 115C of the General Statutes.

(12) 'Provisional License' means a type of license granted by the Department to a person who is temporarily unable to comply with a rule or rules adopted under this Article.

(13) 'Residential Child-Care Facility' means a staffed premise with paid or volunteer staff where children receive continuing full-time foster care. Residential child-care facility includes child-caring institutions, group homes, and children's camps which provide foster care."

(b) Article 1A of Chapter 131D of the General Statutes is amended by adding a new section to read:

"**§ 131D-10.3A. Mandatory criminal checks of foster parents.**

(a) Effective January 1, 1996, the Department shall ensure that the criminal histories of all foster parents are checked and a determination of the foster parent's fitness to have responsibility for the safety and well-being of children based on the criminal history is made. The Department shall ensure that, as of the effective date of this act, all foster parents are checked for county, state, and federal criminal histories.

(b) The Department shall ensure that all foster parents who have been checked pursuant to subsection (a) of this section are checked annually upon relicensure for county and State criminal histories.

(c) The Department may prohibit a foster parent from providing foster care by denying or revoking the license to provide foster care if the Department determines that the foster parent is unfit to have responsibility for the safety and well-being of children based on the criminal history.

(d) The Department of Justice shall provide to the Department of Human Resources the criminal history of the foster parent obtained from the State and National Repositories of Criminal Histories as requested by the Department. The Department shall provide to the Department of Justice, along with the request, the fingerprints of the foster parent to be checked, any additional information required by the Department of Justice, and a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the State or National Repositories signed by the foster parent to be checked. The fingerprints of the foster parent shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

(e) At the time of application, the foster parent whose criminal history is to be checked shall be furnished with a statement substantially similar to the following:

'NOTICE

FOSTER PARENT
MANDATORY CRIMINAL HISTORY CHECK

NORTH CAROLINA LAW REQUIRES THAT A CRIMINAL HISTORY CHECK BE CONDUCTED ON ALL PERSONS WHO PROVIDE FOSTER CARE IN A LICENSED FAMILY FOSTER HOME.

"Criminal history" includes any county, state, and federal convictions or pending indictments of any crime, of any of the following crimes: the following Articles of Chapter 14 of the

General Statutes: Article 6, Homicide; Article 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 26, Offenses Against Public Morality and Decency; Article 27, Prostitution; Article 39, Protection of Minors; Article 40, Protection of the Family; and Article 59, Public Intoxication; violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5; or similar crimes under federal law or under the laws of other states. Your fingerprints will be used to check the criminal history records of the State Bureau of Investigation (SBI) and the Federal Bureau of Investigation (FBI).

If it is determined, based on your criminal history, that you are unfit to have responsibility for the safety and well-being of children, you shall have the opportunity to complete, or challenge the accuracy of, the information contained in the SBI or FBI identification records.

If you are denied licensure or your foster home license is revoked by the Department of Human Resources as a result of the criminal history check, you may request a hearing pursuant to Article 3 of Chapter 150B of the General Statutes, the Administrative Procedure Act.

Any foster parent who intentionally falsifies any information required to be furnished to conduct the criminal history is guilty of a Class 2 misdemeanor.'

Refusal to consent to a criminal history check is grounds for the Department to prohibit the foster parent from providing foster care. Any foster parent who intentionally falsifies any information required to be furnished to conduct the criminal history is guilty of a Class 2 misdemeanor.

(f) The Department shall notify in writing the foster parent and that individual's supervising agency of the determination by the Department of whether the foster parent is qualified to provide foster care based on the foster parent's criminal history. In accordance with the law regulating the dissemination of the contents of the criminal history file furnished by the Federal Bureau of Investigation, the Department shall not release nor disclose any portion of the foster parent's criminal history to the foster parent. The Department shall also notify the foster parent of the foster parent's right to review the criminal history information, the procedure for completing or challenging the accuracy of the criminal history, and the foster parent's right to contest the Department's determination.

A foster parent who disagrees with the Department's decision may request a hearing pursuant to Chapter 150B of the General Statutes, the Administrative Procedure Act.

(g) All the information that the Department receives through the checking of the criminal history is privileged information and is not a public record but is for the exclusive use of the Department and those persons authorized under this

section to receive the information. The Department may destroy the information after it is used for the purposes authorized by this section after one calendar year.

(h) There is no liability for negligence on the part of a supervising agency, or a State or local agency, or the employees of a State or local agency, arising from any action taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Article 31A of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Torts Claim Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

(i) The Department of Justice shall perform the State and national criminal history checks on foster parents and shall charge the Department of Human Resources a reasonable fee only for conducting the checks of the national criminal history records authorized by this section. The Division of Social Services, Department of Human Resources, shall bear the costs of implementing this section."

(c) Article 4 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"**§ 114-19.4. Criminal record checks of foster parents.**

The Department of Justice may provide to the Division of Social Services, Department of Human Resources, the criminal history from the State and National Repositories of Criminal Histories as defined in G.S. 131D-10.2(6a). The Division shall provide to the Department of Justice, along with the request, the fingerprints of the foster parent to be checked, any additional information required by the Department of Justice, and a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the State or National Repositories signed by the foster parent to be checked. The fingerprints of the foster parent shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The Division shall keep all information pursuant to this section privileged, as provided in G.S. 131D-10.3A(g). The Department of Justice shall charge a reasonable fee only for conducting the checks of the national criminal history records authorized by this section."

(d) The Department of Human Resources and the Social Services Commission, upon consultation with the Division of Social Services of the Department of Human Resources and the Division of Criminal Information of the Department of Justice, shall adopt rules to implement this act.

(e) Subsections (a), (b), and (c) of this section become effective January 1, 1996, and apply to foster parents providing care on or after that date, to applicants for foster parent licenses on or after that date, and to foster parents whose licenses are being considered for renewal on or after that date. The remainder of this section is effective upon ratification.

PART 23A. HEALTH CARE REFORM

Requested by: Senators Martin of Guilford, Forrester, Perdue, Rand, Representatives Gardner, Hayes, Nye

INSURANCE REFORM

Sec. 23A.1. (a) Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-173. Guaranteed renewability; provisions.

(a) As used in this section:

(1) 'Health benefit plan' means a plan covering a group of persons and in the form of: an accident and health insurance policy or certificate; a nonprofit hospital or medical service corporation contract; a health maintenance organization subscriber contract; a plan provided by a multiple employer welfare arrangement; or a plan provided by another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, as amended, or by other federal law or regulation. 'Health benefit plan' does not mean any of the following kinds of insurance:

a. Accident
b. Credit
c. Disability income
d. Long-term or nursing home care
e. Medicare supplement
f. Specified disease
g. Dental or vision
h. Coverage issued as a supplement to liability insurance
i. Workers' compensation
j. Medical payments under automobile or homeowners
k. Hospital income or indemnity
l. Insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability policy or equivalent self-insurance.

(2) 'Insurer' includes an entity subject to Articles 49, 65, or 67 of this Chapter.

(b) An insurer shall not modify any health benefit plan with respect to any insured through riders, endorsements, or otherwise, in order to restrict or exclude coverage for certain diseases or medical conditions otherwise covered by the health benefit plan.

(c) Renewal of the health benefit plans shall be guaranteed by the insurer except:

(1) For nonpayment of the required premium by the policyholder or contract holder.

(2) For fraud or material misrepresentation by the policyholder or contract holder.

(3) When the insurer ceases providing health benefit plans, provided notice of the decision to cease providing health benefit plans is given to the Commissioner and to the policyholder or contract holder six months before the renewal of the health benefit plan would have taken effect."

(b) G.S. 58-50-130(a)(2) reads as rewritten:

"(2) In determining whether a preexisting-conditions provision applies to an eligible employee or to a dependent, all health benefit plans shall credit the time the person was covered under a previous group health benefit plan if the previous coverage was continuous to a date not more than 60 days before the effective date of the new coverage, exclusive of any applicable waiting period under the plan. As used in this subdivision with respect to previous coverage, 'health benefit plan' is not limited to plans subject to this act under G.S. 58-50-115."

(c) G.S. 58-51-80(b)(3) reads as rewritten:

"(3) Policies may contain a provision limiting coverage for preexisting conditions. Preexisting conditions must be covered no later than 12 months after the effective date of coverage. Preexisting conditions are defined as 'those conditions for which medical advice or treatment was received or recommended or which could be medically documented within the 12-month period immediately preceding the effective date of the person's coverage.' Preexisting conditions exclusions may not be implemented by any successor plan as to any covered persons who have already met all or part of the waiting period requirements under any ~~prior group~~ previous plan. Credit must be given for that portion of the waiting period which was met under the ~~prior~~ previous plan. As used in this subdivision, a 'previous plan' includes any health benefit plan provided by a health insurer, as those terms are defined in G.S. 58-51-115, or any government plan or program providing health benefits or health care. For employer groups of 50 or more ~~persons:~~ persons and for groups under subdivision (1a) of this subsection and under G.S. 58-51-81: In determining whether a preexisting condition provision applies to an eligible ~~employee~~ employee, association member, student, or to a dependent, all health benefit plans shall credit the time the person was covered under a previous ~~group health benefit~~ plan if the previous plan's coverage was continuous to a date not more than 60 days before the effective date of the new coverage, exclusive of any applicable waiting period under the new coverage."

(d) G.S. 58-51-80(h) reads as rewritten:

"(h) Nothing contained in this section ~~shall be deemed applicable~~ applies to any contract issued by any corporation defined in ~~Articles~~ Article 65 ~~and 66~~ of this Chapter. Subdivision (b)(3) of this section applies to MEWAs, as defined in G.S. 58-49-30(a)."

(e) G.S. 58-65-60(e)(2) reads as rewritten:

"(2) Employer master group contracts may contain a provision limiting coverage for preexisting conditions. Preexisting conditions must be covered no later than 12 months after the effective date of coverage. Preexisting conditions are defined as 'those conditions for which medical advice or treatment was received or recommended or which could be medically documented within the 12-month period immediately preceding the effective date of the person's coverage.' Preexisting conditions exclusions may not be implemented by any successor plan as to any covered persons who have already met all or part of the waiting period requirements under any ~~prior group~~ previous plan.

Credit must be given for that portion of the waiting period which was met under the ~~prior~~ previous plan. As used in this subdivision, a 'previous plan' includes any health benefit plan provided by a health insurer, as those terms are defined in G.S. 58–51–115, or any government plan or program providing health benefits or health care, except that nothing in this section shall apply to a guaranteed issue product designed for uninsurables. For employer groups of 50 or more persons: In determining whether a preexisting condition provision applies to an eligible employee or to a dependent, all health benefit plans shall credit the time the person was covered under a previous ~~group health benefit~~ plan if the previous plan's coverage was continuous to a date not more than 60 days before the effective date of the new coverage, exclusive of any applicable waiting period under the new coverage."

(f) G.S. 58–67–85(c) reads as rewritten:

"(c) Employer master group contracts may contain a provision limiting coverage for preexisting conditions. Preexisting conditions must be covered no later than 12 months after the effective date of coverage. Preexisting conditions are defined as 'those conditions for which medical advice or treatment was received or recommended or which could be medically documented within the 12–month period immediately preceding the effective date of the person's coverage.' Preexisting conditions exclusions may not be implemented by any successor plan as to any covered persons who have already met all or part of the waiting period requirements under any ~~prior group~~ previous plan. Credit must be given for that portion of the waiting period which was met under the ~~prior~~ previous plan. As used in this subsection, a 'previous plan' includes any health benefit plan provided by a health insurer, as those terms are defined in G.S. 58–51–115, or any government plan or program providing health benefits or health care. ~~For employer groups of 50 or more persons:~~ In determining whether a preexisting condition provision applies to an eligible employee or to a dependent, all health benefit plans shall credit the time the person was covered under a previous ~~group health benefit~~ plan if the previous plan's coverage was continuous to a date not more than 60 days before the effective date of the new coverage, exclusive of any applicable waiting period under the new coverage."

(g) G.S. 58–51–15(a)(2)b. reads as rewritten:

"b. ~~No claim for loss incurred or disability (as defined in the policy) commencing after two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy.~~ This policy contains a provision limiting coverage for preexisting conditions. Preexisting conditions must be covered no later than one year after the effective date of coverage. Preexisting conditions are defined as 'those conditions for which medical advice or treatment was received or recommended or that could be medically documented within the one–year period immediately preceding the effective date of the person's coverage.' Preexisting conditions exclusions may not be implemented by any successor plan

as to any covered persons who have already met all or part of the waiting period requirements under any previous plan. Credit must be given for that portion of the waiting period that was met under the previous plan. As used in this policy, the term 'previous plan' includes any health benefit plan provided by a health insurer, as those terms are defined in G.S. 58–51–115, or any government plan or program providing health benefits or health care. In determining whether a preexisting condition provision applies to an insured person, all health benefit plans must credit the time the person was covered under a previous plan if the previous plan's coverage was continuous to a date not more than 60 days before the effective date of the new coverage, exclusive of any applicable waiting period under the new coverage."

Requested by: Senators Martin of Guilford, Forrester, Perdue, Rand, Plyler, Odom, Representatives Gardner, Hayes, Nye, Holmes, Creech, Esposito

NORTH CAROLINA HEALTH CARE REFORM COMMISSION

Sec. 23A.3. (a) G.S. 143–611 reads as rewritten:

"**§ 143–611. Commission established; members; terms of office; quorum; compensation.**

(a) Establishment. — There is established the North Carolina Health Care ~~Planning~~ Reform Commission with the powers and duties specified in this Article. The Commission shall be located within the Office of the Secretary, Department of Human Resources, for organizational, budgetary, and administrative purposes.

(b) Membership and Terms. — The Commission shall consist of ~~16~~ 14 members, as follows:

~~(1) The Governor;~~

~~(2) The Lieutenant Governor;~~

~~(3) The Speaker of the House of Representatives;~~

~~(4) The President *Pro Tempore* of the Senate;~~

~~(5)~~ (1a) ~~Five~~ Six members appointed by the Speaker of the House of Representatives, at least two of whom are members of the House of Representatives at the time of appointment; ~~appointed by the Speaker of the House of Representatives;~~

~~(6)~~(2a) ~~Five~~ Six members appointed by the President *Pro Tempore* of the Senate, at least two of whom are members of the Senate at the time of the appointment; and ~~appointed by the President *Pro Tempore* of the Senate; and~~

~~(7)~~ (3a) The following nonvoting members, ex officio:

a. The Secretary of the Department of Environment, Health, and Natural ~~Resources;~~ Resources, or a designee thereof, and

b. The Secretary of the Department of Human ~~Resources.~~ Resources, or a designee thereof.

Members shall serve two–year terms. Vacancies in membership shall be filled by the appointing authority in accordance with this section. The Speaker of the House of Representatives and the President *Pro Tempore* of the Senate shall each appoint one of the Commission members to serve as cochair.

(c) Compensation. — The Commission members shall receive no salary as a result of serving on the Commission but shall receive necessary subsistence and travel expenses in accordance with the provisions of G.S. 120–3.1, 138–5, and 138–6, as applicable.

(d) Meetings. — The ~~Governor shall convene the Commission.~~ Commission shall be convened by the cochairs. Meetings shall be held as often as necessary, but not less than six times a year.

(e) Quorum. — A majority of the voting members of the Commission shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present at meetings of the Commission shall be necessary for action to be taken by the Commission."

(b) New terms of members of the North Carolina Health Care Reform Commission commence August 1, 1995 and expire on July 31, 1997.

(c) Wherever in the General Statutes the title North Carolina Health Planning Commission appears, the Revisor of Statutes shall substitute for it the title North Carolina Health Care Reform Commission.

(d) G.S. 143–612 is repealed.

(e) Article 65 of Chapter 143 of the General Statutes is amended by adding the following new section to read:

"**§ 143–612A. Powers and duties of the Commission.**

(a) Administrative Powers. — The Commission shall have the following administrative powers:

(1) To appoint a director, who shall be exempt from the State Personnel Act, and to employ other staff as it deems necessary, subject to the State Personnel Act, and to fix their compensation;

(2) To enter into contracts to carry out the purposes of this Article;

(3) To conduct investigations and inquiries and compel the submission of information and records the Commission deems necessary; and

(4) To accept grants, contributions, devises, bequests, and gifts for the purpose of providing financial support to the Commission. Such funds shall be retained by the Commission.

(b) Monitoring. — The Commission shall monitor health care reform efforts in the State and shall report to the Governor and the General Assembly on the following:

(1) Cost–containment measures;

(2) Accessibility to health care in rural and medically underserved areas;

(3) Availability of affordable health insurance for small businesses, including the Health Care Purchasing Alliances, to determine if these are meeting the health insurance needs of small business employers and their employees;

(4) Efforts to increase the purchasing power of government health programs; and

(5) The number of persons who lack access to primary care providers.

(c) Study. — The Commission shall study the following issues and may recommend to the General Assembly actions to address these issues:

(1) The steps necessary to include the populations served by Medicaid, including a statement of any necessary federal waivers;

(2) The steps necessary to obtain an exemption from the federal Employee Retirement and Income Security Act (ERISA);

(3) Examine the roles of other existing publicly financed systems of health coverage such as Medicare, federal employee health benefits, health benefits for armed services members, the Veterans Administration, the CHAMPUS program (10 U.S.C. § 1071 et seq.), and any other health benefits currently mandated by State or federal law or funded by State agencies;

(4) The means by which the delivery of health care will ensure that the needs of special populations of eligible residents such as low-income persons, people living in rural and underserved areas, and people with disabilities and chronic or unusual medical needs will be met;

(5) The role of the existing county health care system in health care reform efforts;

(6) The appropriate means of financing medical education and medical research;

(7) The means by which North Carolina's need for long-term care services can best be met, including an examination of the appropriateness and availability of home- and community-based services;

(8) The impact on health care cost and efficiency of rule changes made by State and local government agencies pertaining to health care services. The study shall include the impact of the frequency of such rule changes;

(9) Privatization of administrative, clinical, and mental health functions performed by governmental agencies and entities, and the impact of regulation on the delivery of private health coverage and health services;

(10) The impact of federal budget decisions on underserved and underinsured populations;

(11) The need for additional primary care practitioners;

(12) The need for additional benefits and population-based services to be offered in the community, based on the established priorities for improving health status in the community;

(13) Incentives for increasing employer-based coverage;

(14) Trends in the numbers of uninsured and underinsured persons and the barriers to access by these persons;

(15) Ways to maintain emergency medical services when hospital beds are reconfigured; and

(16) Study effectiveness of different types of preventive health services.

(d) Other Duties. — The Commission shall do the following and shall report to the Governor and the General Assembly on the progress of these activities:

(1) Develop methods to ensure adequate primary care for all eligible residents and appropriate compensation for primary care services to achieve that end;

(2) Review and identify initiatives and incentives to enhance the practice of primary health care in rural areas of the State;

(3) Identify or develop incentives to encourage diversification in health care facilities in rural and other areas of the State; and

(4) Assess the impact of the *locum tenens* program; and

(5) Develop alternative ways of expanding coverage to uninsured persons.

(e) Notwithstanding any other provision in this Article or Article 68A of Chapter 58 of the General Statutes, the Commission may develop its own health care proposals or plans or make any other recommendations to the General Assembly.

(f) The Commission shall report to the General Assembly on or before April 1, 1996, on its duties and responsibilities under this section."

Requested by: Senators Martin of Guilford, Forrester, Perdue, Rand, Plyler, Representatives Gardner, Hayes, Nye

HEALTH PROFESSIONAL LICENSING BOARD REPORTING

Sec. 23A.4. Effective October 1, 1995, Chapter 93B of the General Statutes is amended by adding the following new section to read:

"**§ 93B-12. Information from licensing boards having authority over health care providers.**

(a) Every occupational licensing board having authority to license physicians, physician assistants, nurse practitioners, and nurse midwives in this State shall modify procedures for license renewal to include the collection of information specified in this section for each board's regular renewal cycle. The purpose of this requirement is to assist the State in tracking the availability of health care providers to determine which areas in the State suffer from inequitable access to specific types of health services and to anticipate future health care shortages which might adversely affect the citizens of this State. Occupational licensing boards, in consultation with the North Carolina Health Care Reform Commission, shall collect, report, and update the following information:

(1) Area of health care specialty practice;

(2) Address of all locations where the licensee practices; and

(3) Other information the occupational licensing board in consultation with the North Carolina Health Care Reform Commission deems relevant to assisting the State in achieving the purpose set out in this section, including social security numbers for research purposes only in matching other data sources.

(b) Every occupational licensing board required to collect information pursuant to subsection (a) of this section shall report and update the information on an annual basis to the North Carolina Health Care Reform Commission. The Commission shall provide this information to programs preparing primary care physicians, physicians assistants, and nurse practitioners upon request by the program and by the Board of Governors of The University of North Carolina. Information provided by the occupational licensing board pursuant to this subsection may be provided in such form as to omit the identity of the health care licensee."

Requested by: Senators Martin of Guilford, Forrester, Perdue, Rand, Plyler, Odom, Representatives Holmes, Creech, Esposito, Gardner, Hayes, Nye

PRIMARY CARE PROVIDERS

Sec. 23A.5. G.S. 143-613 reads as rewritten:

"**§ 143-613. Medical education; primary care ~~physicians.~~ physicians and other providers.**

(a) In recognition of North Carolina's need for primary care physicians, Bowman Gray School of Medicine and Duke University School of Medicine shall each prepare a plan with the goal of encouraging North Carolina residents to enter the

primary care disciplines of general internal medicine, general pediatrics, family medicine, obstetrics/gynecology, and combined medicine/pediatrics and to strive to have at least fifty percent (50%) of North Carolina residents graduating from each school entering these disciplines. These schools of medicine shall present their plans to the Board of Governors of The University of North Carolina by April 15, ~~1994.~~ 1996, and shall update and present their plans every two years thereafter. The Board of Governors shall report to the Joint Legislative Education Oversight Committee by May 15, ~~1994,~~ 1996, and every two years thereafter on the status of these efforts to strengthen primary health care in North Carolina.

(b) The Board of Governors of The University of North Carolina shall set goals for the Schools of Medicine at the University of North Carolina at Chapel Hill and the School of Medicine at East Carolina University for increasing the percentage of graduates who enter residencies and careers in primary care. A minimum goal should be at least sixty percent (60%) of graduates entering primary care disciplines. Each school shall submit a plan with strategies to reach these goals of increasing the number of graduates entering primary care disciplines to the Board by April 15, ~~1994.~~ 1996, and shall update and present the plans every two years thereafter. The Board of Governors shall report to the Joint Legislative Education Oversight Committee by May 15, ~~1994,~~ 1996, and every two years thereafter on the status of these efforts to strengthen primary health care in North Carolina.

Primary care shall include the disciplines of family medicine, general pediatric medicine, general internal medicine, internal medicine/pediatrics, and obstetrics/gynecology.

(b1) The Board of Governors of The University of North Carolina shall set goals for State-operated health professional schools that offer training programs for licensure or certification of physician assistants, nurse practitioners, and nurse midwives for increasing the percentage of the graduates of those programs who enter clinical programs and careers in primary care. Each State-operated health professional school shall submit a plan with strategies for increasing the percentage to the Board by April 15, 1996, and shall update and present the plan every two years thereafter. The Board of Governors shall report to the Joint Legislative Education Oversight Committee by May 15, 1996, and every two years thereafter on the status of these efforts to strengthen primary health care in North Carolina.

(c) The Board of Governors of The University of North Carolina shall further initiate whatever changes are necessary on admissions, advising, curriculum, and other policies for State-operated medical schools and State-operated health professional schools to ensure that larger proportions of ~~medical~~ students seek residencies and clinical training in primary care disciplines. The Board shall work with the Area Health Education Centers and other entities, adopting whatever policies it considers necessary to ensure that residency and clinical training programs have sufficient ~~medical~~ residency and clinical positions for ~~medical school~~ graduates in these primary care specialties. As used in this subsection, health professional schools are those schools or institutions that offer training for licensure or certification of physician assistants, nurse practitioners, and nurse midwives.

(d) The progress of the private and ~~public~~ State-operated medical schools and State-operated health professional schools towards increasing the number and proportion of graduates entering primary care shall be monitored annually by the Board of Governors of The University of North Carolina. Monitoring data shall include (i) the entry of State-supported ~~medical~~ graduates into primary care ~~resi-~~

~~dencies,~~ residencies and clinical training programs, and (ii) the specialty practices by a physician and each midlevel provider who were State-supported graduates as of a date five years after graduation. The Board of Governors shall certify data on graduates, their ~~residencies,~~ residencies and clinical training programs, and subsequent careers by October 1 of each calendar year, beginning in October of 1995, to the Fiscal Research Division of the Legislative Services Office and to the Joint Legislative Education Oversight Committee.

(e) The information provided in subsection (d) of this section shall be made available to the Appropriations Committees of the General Assembly for their use in future funding decisions on medical and health professional education."

Requested by: Senators Martin of Guilford, Forrester, Perdue, Rand, Representatives Gardner, Hayes, Nye, Holmes, Creech, Esposito

PUBLIC HEALTH STUDY COMMISSION

Sec. 23A.6. (a) G.S. 120-196 reads as rewritten:

"**§ 120-196. Commission duties.**

The Commission shall study the availability and accessibility of public health services to all citizens throughout the State. In conducting the study the Commission shall:

(1) Determine whether the public health services currently available in each county or district health department conform to the mission and essential services established under G.S. 130A-1.1;

(2) Study the workforce needs of each county or district health department, including salary levels, professional credentials, and continuing education requirements, and determine the impact that shortages of public health professional personnel have on the delivery of public health services in county and district health departments;

(3) Review the status and needs of local health departments relative to facilities, and the need for the development of minimum standards governing the provision and maintenance of these facilities;

(4) Propose a long-range plan for funding the public health system, which plan shall include a review and evaluation of the current structure and financing of public health in North Carolina and any other recommendations the Commission deems appropriate based on its study activities; ~~and~~

(5) Conduct any other studies or evaluations the Commission considers necessary to effectuate its ~~purpose.~~ purpose; and

(6) Study the capacity of small counties to meet the core public health functions mandated by current State and federal law. The Commission shall consider whether the current county and district health departments should be organized into a network of larger multidistrict community administrative units. In making its recommendations on this study, the Commission shall consider whether the State should establish minimum populations for local health departments, and if so, shall recommend the number of and configuration for these multicounty administrative units and shall recommend a series of incentives to ease county transition into these new arrangements."

(b) Section 8.1 of Chapter 771 of the 1993 Session Laws reads as rewritten:

"Sec. 8.1. This act is effective upon ratification. ~~Part II of this act is repealed on June 30, 1995.~~"

PART 24. DEPARTMENT OF AGRICULTURE

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

CATTLE AND LIVESTOCK EXPOSITION CENTER

Sec. 24. (a) Any unencumbered funds that were appropriated to the Department of Agriculture in Chapter 561 of the 1993 Session Laws for the 1993–94 fiscal year as planning funds for a livestock facility shall be placed in a reserve in the Department of Agriculture until further allocated by the 1995 General Assembly, Regular Session 1996.

(b) Section 40 of Chapter 769 of the 1993 Session Laws reads as rewritten:

"Sec. 40. ~~Of the funds appropriated in this act~~ Any unencumbered funds that were appropriated to the Department of Agriculture for the 1994–95 fiscal ~~year, the sum of seven hundred thirty-seven thousand three hundred fifty dollars ($737,350) shall be used~~ year for planning the construction of the Cattle and Livestock Exposition Center ~~in Alamance County.~~ shall be placed in a reserve in the Department of Agriculture until further allocated by the 1995 General Assembly, Regular Session 1996. The Center will house livestock shows and exhibits, educational programs, and a laboratory for embryo transfer research, semen evaluation, and livestock blood work."

Requested by: Senators Martin of Pitt, Kerr, Jordan,
Representatives Mitchell, Weatherly,

DAIRY FACILITY AT CHERRY FARM UNIT

Sec. 24.1. The sum of two hundred fifty thousand dollars ($250,000) shall be transferred from the Department of Agriculture's timber sales capital improvement account, established pursuant to G.S. 146–30, to the Department of Agriculture for the 1995–96 fiscal year and shall be used to construct and equip a new dairy facility to be located at the Cherry Farm Unit.

PART 25. DEPARTMENT OF COMMERCE

Requested by: Senators Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

INDUSTRIAL COMMISSION/FRAUD CHECK

Sec. 25. (a) G. S. 97–88.2(b) reads as rewritten:

"(b) The Commission ~~shall refer all cases of suspected fraud and all violations related to workers' compensation claims, by or against insurers or self-funded employers, to the Department of Insurance to:~~ shall:

(1) Perform investigations regarding all cases of suspected fraud and all violations related to workers' compensation claims, by or against insurers or self-funded employers, and refer possible criminal violations to the appropriate prosecutorial authorities;

(2) Conduct administrative violation proceedings; and

(3) Assess and collect penalties and restitution."

(b) Of the funds appropriated in this act to the Department of Commerce, the sum of one hundred thousand dollars ($100,000) for the 1995–96 fiscal year and the sum of one hundred thousand dollars ($100,000) for the 1996–97 fiscal year shall be used for the North Carolina Industrial Commission to implement subsection (a) of this section.

(c) This section is effective upon ratification.

Requested by: Senators Martin of Pitt, Kerr, Jordan,
Representatives Mitchell, Weatherly

CENTER FOR COMMUNITY SELF-HELP FUNDS

Sec. 25.1. (a) Of the funds appropriated in this act to the Department of Commerce, the sum of one million dollars ($1,000,000) for the 1995–96 fiscal year shall be allocated to the Center for Community Self–Help to further a statewide program of lending for home ownership throughout North Carolina. These funds will be leveraged on a ten–to–one basis, generating at least ten dollars ($10.00) of nontraditional home loans for every one dollar ($1.00) of State funds. Payments of principal shall be available for further loans or loan guarantees.

(b) The Center for Community Self–Help shall submit, within 180 days after the close of its fiscal year, audited financial statements to the State Auditor. All records pertaining to the use of State funds shall be made available to the State Auditor upon request. The Center for Community Self–Help shall make quarterly reports on the use of State funds to the State Auditor, in form and format prescribed by the State Auditor or his designee. The Center for Community Self–Help shall make a written report by May 1 of each year for the next three years to the General Assembly on the use of the funds allocated under this section.

(c) The Center for Community Self–Help shall report to the Joint Legislative Commission on Governmental Operations, the House Appropriations Subcommittee on Natural and Economic Resources, the Senate Appropriations Committee on Natural and Economic Resources, and the Department of Commerce on a quarterly basis for the next three years.

(d) The Office of the State Auditor may conduct an annual end–of–year audit of the revolving fund for economic development lending created by this appropriation for each year of the life of the revolving fund.

(e) If the Center for Community Self–Help dissolves, the corporation shall transfer the remaining assets of the revolving fund to the State and shall refrain from disposing of the revolving fund assets without approval of the State Treasurer.

(f) The Department of Commerce shall disburse this appropriation within 15 working days of the receipt of a request for the funds from the Center for Community Self–Help. The request shall include a commitment of the leveraged funds by the Center for Community Self–Help or its affiliates.

Requested by: Senators Perdue, Martin of Pitt, Odom, Jordan, Kerr,
Representatives Mitchell, Weatherly

WANCHESE SEAFOOD INDUSTRIAL PARK FUNDS

Sec. 25.1A. Funds appropriated in Chapter 324 of the 1995 Session Laws to the Department of Commerce for the Wanchese Seafood Industrial Park may be expended by the North Carolina Seafood Industrial Park Authority for operations, maintenance, repair, and capital improvements in accordance with Article 23C of Chapter 113 of the General Statutes.

Requested by: Representatives Mitchell, Weatherly,
Senators Martin of Pitt, Jordan, Kerr

BUDGET FLEXIBILITY/INTERNATIONAL TRADE DIVISION

Sec. 25.2. Of the funds appropriated in this act to the Department of Commerce, the sum of one hundred thousand dollars ($100,000) for the 1995–96

fiscal year shall be placed in a reserve to be used to cover devaluation of the dollar to a foreign currency only if the devaluation is five percent (5%) or greater and shall be used to cover increased expenses due to foreign country inflation only if the inflation is greater than one percent (1%) per month. Funds allocated pursuant to this section shall be limited to a maximum of forty thousand dollars ($40,000) per office for the Department's International Trade Division offices in Hong Kong, Tokyo, Dusseldorf, and Mexico City.

Requested by: Senators Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

INDUSTRIAL RECRUITMENT COMPETITIVE FUND REPORTING REQUIREMENT

Sec. 25.2A. The Department of Commerce shall report on or before October 1, 1995 and quarterly thereafter to the Joint Legislative Commission on Governmental Operations on the commitment, allocation, and use of funds allocated from the Industrial Recruitment Competitive Fund.

Requested by: Representatives Mitchell, Weatherly,
Senators Martin of Pitt, Jordan, Kerr

NCACTS REPORTING REQUIREMENT

Sec. 25.3. Section 11.2 of Chapter 324 of the 1995 Session Laws reads as rewritten:

"Sec. 11.2. The North Carolina Alliance for Competitive Technologies (NCACTS) created by Executive Order No. 63 on September 26, 1994, is transferred from the Department of Administration to the Department of Commerce. All positions, property, unexpended balances of appropriations, allocations and other refunds, including the functions of budgeting and purchasing, for NCACTS are transferred from the Department of Administration to the Department of Commerce.

Beginning October 1, 1995, and quarterly thereafter, NCACTS shall report ~~quarterly~~ on its ~~operations~~ operations, use of funds, and performance to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division."

Requested by: Senators Martin of Pitt, Jordan, Ballance,
Edwards, Lucas, Gulley, Rand, Kerr, Cooper,
Representatives Mitchell, Weatherly, H. Hunter

FUNDS FOR ECONOMIC DEVELOPMENT

Sec. 25.4. (a) Definition. — For purposes of this section, the term 'community development corporation' means a nonprofit corporation:

(1) Chartered pursuant to Chapter 55A of the General Statutes;
(2) Tax-exempt pursuant to section 501(c)(3) of the Internal Revenue Code of 1986;
(3) Whose primary mission is to develop and improve low-income communities and neighborhoods through economic and related development;
(4) Whose activities and decisions are initiated, managed, and controlled by the constituents of those local communities; and
(5) Whose primary function is to act as deal-maker and packager of projects and activities that will increase their constituencies' opportunities

to become owners, managers, and producers of small businesses, affordable housing, and jobs designed to produce positive cash flow and curb blight in the target community.

(b) Of the funds appropriated in this act to the Rural Economic Development Center, Inc., the sum of three million eight hundred thousand dollars ($3,800,000) for the 1995–96 fiscal year shall be placed in an Economic and Community Development Program Reserve. Funds shall be allocated from the Reserve by the Rural Economic Development Center, Inc. as follows:

(1) $1,350,000 for community development grants to support community development projects and activities within the State's minority communities. Any community development corporation as defined in this section is eligible to apply for funds. The Rural Economic Development Center shall establish performance–based criteria for determining which community development corporations will receive a grant and the grant amount. Funding will also be allocated to the North Carolina Association of Community Development Corporations, Inc. The Rural Economic Development Center, Inc., shall allocate these grant funds from the Economic and Community Development Program Reserve as follows:

a. $900,000 for direct grants to the local community development corporations that have previously received State funds for this purpose to support operations and project activities,

b. $250,000 for direct grants to local community development organizations that have not previously received State funds,

c. $150,000 to the North Carolina Association of Community Development Corporations, Inc. to provide training, technical assistance, resource development, project assistance, and support for local community development corporations statewide, and

d. $50,000 to the Rural Economic Development Center, Inc. to be used to cover expenses in administering this section;

(2) $275,000 to the Minority Credit Union Support Center for technical assistance to community–based minority credit unions;

(3) $250,000 to the Microenterprise Loan Program to support the loan fund and operations of the Program;

(4) $100,000 allocated as follows:

a. $25,000 to the Opportunities Industrialization Center of Wilson, Inc., for its ongoing job training programs;

b. $25,000 to Opportunities Industrialization Center, Inc., in Rocky Mount, for its ongoing job training programs;

c. $25,000 to Pitt–Greenville Opportunities Industrialization Center, Inc. for its ongoing job training programs; and

d. $25,000 to the Opportunities Industrialization Center of Lenoir, Greene, and Jones Counties.

Funds allocated pursuant to this subdivision shall be in addition to funds allocated pursuant to Section 25.12 of Chapter 324 of the 1995 Session Laws. Reporting requirements of that section shall apply to funds allocated under this subdivision;

(5) $400,000 shall be used for a program to provide supplemental funding for matching requirements for economic development in economically

depressed areas. The Center shall use the funds to make grants to local governments and nonprofit corporations to provide funds necessary to match federal grants or other grants for necessary economic development projects and activities in economically depressed areas. The grant recipients shall be selected on the basis of need;

(6) $275,000 to the Land Loss Prevention Project, Inc., to provide free legal representation to low–income, financially distressed small farmers. The Land Loss Prevention Project, Inc., shall not use these funds to represent farmers who have income and assets that would make them financially ineligible for legal services pursuant to Title 45, Part 1611 of the Code of Federal Regulations. The Land Loss Prevention Project, Inc., shall report to the Joint Legislative Commission on Governmental Operations on October 1 and March 1 of each fiscal year, and more frequently as requested by the Commission, on the use of these funds;

(7) $245,000 to the North Carolina Coalition of Farm and Rural Families, Inc., for its Small Farm Economic Development Project. These funds shall be used to foster economic development within the State's rural farm communities by offering financial, marketing, and technical assistance to small and limited resource farmers. The North Carolina Coalition of Farm and Rural Families, Inc., shall report to the Joint Legislative Commission on Governmental Operations on October 1 and March 1 of each fiscal year, and more frequently as requested by the Commission, on the use of these funds;

(8) $780,000 to the North Carolina Institute for Minority Economic Development, Inc., to foster minority economic development within the State through policy analysis, information and technical assistance, resource expansion and support of community–based demonstration initiatives. The North Carolina Institute for Minority Economic Development, Inc., shall report to the Joint Legislative Commission on Governmental Operations on October 1 and March 1 of each fiscal year, and more frequently as requested by the Commission, on the use of these funds;

(9) $100,000 to the Lake Gaston Economic Development Corporation for planning and preliminary development of a conference center and related facilities for the Lake Gaston area; and

(10) $25,000 to the Roanoke–Chowan Community College for its sheltered workshop program.

(c) The Rural Economic Development Center, Inc. shall report to the Joint Legislative Commission on Governmental Operations on October 1 and March 1 of each fiscal year, and more frequently as requested by the Commission, on the uses of funds allocated pursuant to subdivisions (1), (2), (3), (4), (5), (9), and (10) of subsection (b) of this section.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

CLEVELAND COUNTY PARTICIPATION IN ECONOMIC DEVELOPMENT COMMISSION

Sec. 25.5. (a) G.S. 158–8.1(a) reads as rewritten:

"(a) There is created the Western North Carolina Regional Economic Development Commission to serve Buncombe, Cherokee, Clay, ~~Cleveland,~~ Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year."

(b) The Department of Commerce shall allocate Cleveland County's *pro rata* share of economic development funds appropriated to the Department pursuant to Section 25.4 of Chapter 324 of the 1995 Session Laws to the Carolinas Partnership, Inc., Economic Development Commission, of which Cleveland County has been and is currently a dues-paying member.

Requested by: Senators Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

COMMON FOLLOW-UP SYSTEM FOR STATE JOB TRAINING AND EDUCATION PROGRAMS

Sec. 25.6. (a) Chapter 96 of the General Statutes is amended by adding the following new Article to read:

"ARTICLE 4.

"Job Training, Education, and Placement Information Management.

"§ 96-30. Findings and purpose.

The General Assembly finds it in the best interests of this State that the establishment, maintenance, and funding of State job training, education, and placement programs be based on current, comprehensive information on the effectiveness of these programs in securing employment for North Carolina citizens and providing a well-trained workforce for business and industry in this State. To this end, it is the purpose of this Article to require the establishment of an information system that maintains up-to-date job-related information on current and former participants in State job training and education programs.

"§ 96-31. Definitions.

As used in this Article, unless the context clearly requires otherwise, the term:

(1) 'CFS' means the common follow-up information management system developed by the Employment Security Commission of North Carolina as authorized under this Article.

(2) 'ESC' means the Employment Security Commission of North Carolina.

(3) 'OSBM' means the Office of State Budget and Management.

(4) 'State job training, education, and placement program' or 'State-funded program' means a program operated by a State or local government agency or entity and supported in whole or in part by State or federal funds, that provides job training and education or job placement services to program participants. The term does not include on-the-job training provided to current employees of the agency or entity for the purposes of professional development.

"**§ 96–32. Common follow–up information management system created.**

(a) The Employment Security Commission of North Carolina shall develop, implement, and maintain a common follow–up information management system for tracking the employment status of current and former participants in State job training, education, and placement programs. The system shall provide for the automated collection, organization, dissemination, and analysis of data obtained from State–funded programs that provide job training and education and job placement services to program participants. In developing the system, the ESC shall ensure that data and information collected from State agencies is confidential, not open for general public inspection, and maintained and disseminated in a manner that protects the identity of individual persons from general public disclosure.

(b) The ESC in consultation with OSBM shall adopt procedures and guidelines for the development and implementation of the CFS authorized under this section.

(c) Based on data collected under the CFS, the Office of State Budget and Management shall evaluate the effectiveness of job training, education, and placement programs to determine if specific program goals and objectives are attained, to determine placement and completion rates for each program, and to make recommendations regarding the continuation of State funding for programs evaluated. The ESC shall provide to OSBM data collected under the CFS in a manner and with the frequency necessary for the Office of State Budget and Management to conduct the evaluation required under this subsection. The ESC shall consult with OSBM to determine the most efficient and effective method for providing to OSBM data collected under the CFS. The OSBM shall maintain the same levels of confidentiality with respect to CFS data received from the ESC as is required of the ESC under this Article. OSBM shall coordinate with the Office of State Planning to determine what data will be collected to support the State planning and budgetary process.

"**§ 96–33. State agencies required to provide information and data.**

(a) Every State agency and local government agency or entity that receives State or federal funds for the direct or indirect support of State job training, education, and placement programs shall provide to the Employment Security Commission of North Carolina all data and information available to or within the agency or entity's possession requested by the ESC for input into the common follow–up information management system authorized under this Article.

(b) Each agency or entity required to report information and data to the ESC under this Article shall maintain true and accurate records of the information and data requested by the ESC. The records shall be open to ESC inspection and copying at reasonable times and as often as necessary. Each agency or entity shall further provide, upon request by ESC, sworn or unsworn reports with respect to persons employed or trained by the agency or entity, as deemed necessary by the ESC to carry out the purposes of this Article. Information obtained by the ESC from the agency or entity shall be held by ESC as confidential and shall not be published or open to public inspection other than in a manner that protects the identity of individual persons and employers.

"**§ 96–34. Prohibitions on use of information collected.**

Data and information reported, collected, maintained, disseminated, and analyzed may not be used by any State or local government agency or entity for purposes of making personal contacts with current or former students or their employers or trainers.

"§ 96-35. Reports on common follow-up system activities.

(a) The Employment Security Commission of North Carolina shall present annually by May 1 to the General Assembly and to the Governor a report of CFS activities for the preceding calendar year. The report shall include information on and evaluation of job training, education, and placement programs for which data was reported by State and local agencies subject to this Article. Evaluation of the programs shall be on the basis of fiscal year data.

(b) The Office of State Budget and Management shall report to to the Governor and to the General Assembly upon the convening of each biennial session, its evaluation of and recommendations regarding job training, education, and placement programs for which data was provided to the CFS."

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

PETROLEUM OVERCHARGE FUNDS ALLOCATION

Sec. 25.7. (a) The funds and interest thereon received from the case of the United States v. Exxon are deposited in the Special Reserve for Oil Overcharge Funds. There is appropriated from the Special Reserve to the Department of Commerce the sum of one million six hundred fifty thousand dollars ($1,650,000) for the 1995-96 fiscal year and the sum of one million six hundred fifty thousand dollars ($1,650,000) for the 1996-97 fiscal year to be used for projects under the State Energy Conservation Plan.

(b) There is appropriated from funds and interest thereon received from the United States Department of Energy's Stripper Well Litigation (MDL378) that remain in the Special Reserve for Oil Overcharge Funds to the Department of Commerce the sum of two million five hundred thousand dollars ($2,500,000) for the 1995-96 fiscal year and two million two hundred fifty thousand dollars ($2,250,000) for the 1996-97 fiscal year to be allocated for the Low Income Weatherization Program.

(c) Any funds remaining in the Special Reserve for Oil Overcharge Funds after the allocations made pursuant to subsections (a) and (b) of this section may be expended only as authorized by the General Assembly. All interest or income accruing from all deposits or investments of cash balances shall be credited to the Special Reserve Oil Overcharge Funds.

(d) The funds and interest thereon received from the Diamond Shamrock Settlement that remain in a reserve in the Office of State Budget and Management for the Department of Commerce to administer the petroleum overcharge funds pursuant to Section 112 of Chapter 830 of the 1987 Session Laws shall continue to be available to the Department of Commerce on an as-needed basis.

(e) The Department of Commerce shall submit comprehensive annual reports to the General Assembly by May 15, 1996, and January 31, 1997, which detail the use of all Petroleum Overcharge Funds. Any State department or agency that has received Petroleum Overcharge Funds shall provide all information requested by the Department of Commerce for the purpose of preparing these reports.

Requested by: Representatives Mitchell, Weatherly,
Senator Martin of Pitt

PETROLEUM OVERCHARGE ATTORNEY FEES

Sec. 25.8. (a) Unless prohibited by federal law, rule, or regulation or

preexisting settlement agreement, no later than October 1, 1989, the North Carolina Attorney General shall direct the withdrawal of all funds received in the cases of United States v. Exxon and Stripper Well that are held in accounts or reserves located out–of–state for payment of attorney fees and reasonable expenses incurred in connection with oil overcharge litigation authorized by the Attorney General. The Attorney General shall deposit these funds, and all funds to be received from Petroleum Overcharge Funds in the future for attorney fees and reasonable expenses, into the Special Reserve for Oil Overcharge Funds.

(b) All attorney fees and reasonable expenses incurred in connection with oil overcharge litigation shall be paid by the State Treasurer from Petroleum Overcharge Funds that have been received by this State and deposited into the Special Reserve for Oil Overcharge Funds.

(c) Notwithstanding any other provision of law, the Attorney General may authorize the payment of attorney fees and reasonable expenses from the Special Reserve for Oil Overcharge Funds without further action of the General Assembly, and funds are hereby appropriated from the Special Reserve for Oil Overcharge Funds for the 1995–96 fiscal year and for the 1996–97 fiscal year for that purpose.

Requested by: Representatives Mitchell, Weatherly,
Senators Martin of Pitt, Jordan, Kerr

WORKER TRAINING TRUST FUND APPROPRIATIONS

Sec. 25.9. (a) There is appropriated from the Worker Training Trust Fund to the Employment Security Commission of North Carolina the sum of five million eight hundred thirty–nine thousand nine hundred sixty–four dollars ($5,839,964) for the 1995–96 fiscal year and the sum of five million eight hundred thirty–nine thousand nine hundred sixty–four dollars ($5,839,964) for the 1996–97 fiscal year for the operation of local offices.

(b) Notwithstanding G.S. 96–5(c), there is appropriated from the Special Employment Security Administration Fund to the Employment Security Commission of North Carolina, the sum of two million dollars ($2,000,000) for the 1995–96 fiscal year and the sum of two million dollars ($2,000,000) for the 1996–97 fiscal year for administration of the Veterans Employment Program, Employment Services Program, and Unemployment Insurance Program.

(c) Supplemental federal funds or other additional funds received by the Employment Security Commission for similar purposes shall be expended prior to the expenditure of funds appropriated by this section.

(d) Notwithstanding the provisions of G.S. 96–5(f), there is appropriated from the Worker Training Trust Fund to the following agencies the following sums for the 1995–96 and the 1996–97 fiscal years for the following purposes:

(1) $2,400,000 for the 1995–96 fiscal year and $2,400,000 for the 1996–97 fiscal year to the Department of Commerce, Division of Employment and Training, for the Employment and Training Grant Program;

(2) $1,000,000 for the 1995–96 fiscal year and $1,000,000 for the 1996–97 fiscal year to the Department of Labor for customized training of the unemployed and the working poor for specific jobs needed by employers through the Department's Pre–Apprenticeship Division;

(3) $1,528,067 for the 1995–96 fiscal year and $1,528,067 for the 1996–97 fiscal year to the Department of Human Resources to assist welfare recipients in gaining employment through the federally funded Job

Opportunities and Basic Skills Program in such a way as to gain the maximum match of federal funds for the State dollars appropriated;

(4) $1,746,000 for the 1995–96 fiscal year and $1,746,000 for the 1996–97 fiscal year to the Department of Community Colleges to continue the Focused Industrial Training Program;

(5) $225,000 for the 1995–96 fiscal year and $225,000 for the 1996–97 fiscal year to the Employment Security Commission for the Occupational Information Coordinating Committee to develop and operate an interagency system to track former participants in State education and training programs; and

(6) $300,000 for the 1995–96 fiscal year and $300,000 for the 1996–97 fiscal year to the Department of Community Colleges for a training program in entrepreneurial skills to be operated by North Carolina REAL Enterprises.

Requested by: Senators Cochrane, Martin of Pitt, Jordan, Kerr, Representatives Mitchell, Weatherly

ESC VOTER REGISTRATION FUNDS

Sec. 25.10. (a) There is appropriated from the Worker Training Trust Fund to the Department of Commerce, Employment Security Commission, the sum of three hundred thousand dollars ($300,000) for the 1995–96 fiscal year to carry out the provisions of the National Voter Registration Act (P.L. 103–31).

(b) The Employment Security Commission shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division no later than 30 days before reconvening in 1996 of the 1995 Regular Session as to how the funds appropriated by subsection (a) of this section were expended, specifically:

(1) Its methodology for charging costs against the appropriation;

(2) Detailing of the costs by categories;

(3) How much of the costs supplanted federal funds and how much were incremental costs; and

(4) Whether employer contribution rates can be reduced to the extent that federal funds were supplanted, and what State or federal legislation would be required to make such rate reductions.

(c) Section 73 of Chapter 762 of the 1993 Session Laws reads as rewritten:

"Sec. 73. Sections 1 through 68 of this act become effective January 1, 1995, and apply to all primaries and elections occurring on or after that date. The remainder of this act is effective upon ratification and shall apply to all primaries and elections occurring on or after the date of ratification. Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences. G.S. 163–82.20(a)(3) and G.S. 163–82.20(b1) as enacted in Section 2 of this act expire ~~January~~ July 1, 1996."

(d) Section 16.1(b) of Chapter 769 of the 1993 Session Laws is extended through December 31, 1995.

Requested by: Representatives Mitchell, Weatherly,
Senators Martin of Pitt, Jordan, Kerr

ALLOCATION OF MCNC REDUCTIONS IN FUNDS

Sec. 25.11. Reductions in this act to funds appropriated in Chapter 324 of the 1995 Session Laws to MCNC shall be allocated by MCNC among the program categories listed in Section 25.9(c) of Chapter 324 of the 1995 Session Laws. MCNC shall report on the allocation of the reductions to the Joint Legislative Commission on Governmental Operations within 30 days of the allocation.

Requested by: Senators Hobbs, Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

FUNDS FOR ESC NOTIFICATION OF EARNED INCOME CREDIT

Sec. 25.11A. The Department of Commerce, Employment Security Commission, may spend up to twenty–five thousand dollars ($25,000) in each fiscal year from the Special Employment Security Administration Fund to reprint and mail notices regarding the federal Earned Income Credit to unemployment insurance recipients.

Requested by: Senators Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY/REPORTING

Sec. 25.12. The North Carolina Technological Development Authority, Inc. shall report on all of its programs to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on March 1 of each fiscal year, and more frequently as requested by the Commission. The reports shall include information on the activities and the accomplishments during the past fiscal year, itemized expenditures during the past fiscal year with sources of funding, planned activities, and accomplishments for at least the next 12 months, and itemized anticipated expenditures with sources of funding for the next 12 months.

Requested by: Senators Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

INDUSTRIAL COMMISSION MEDIATION/SUNSET OFF

Sec. 25.13. Section 5 of Chapter 399 of the 1993 Session Laws reads as rewritten:

"Sec. 5. Section 3 of this act is effective upon ratification. Sections 1, 2, and 4 of this act become effective October 1, 1993, only if the General Assembly appropriates funds to implement the purpose of these sections, expire June 30, 1995, and apply to claims pending on or filed after the effective date."

Requested by: Senators Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

WORLD TRADE CENTER FUNDS

Sec. 25.14. Of the funds appropriated in this act to the Department of Commerce, the sum of two hundred thousand dollars ($200,000) for the 1995–96 fiscal year shall be allocated to the North Carolina World Trade Center to continue to provide education programs for small and medium sized businesses. The Department shall report to the Joint Legislative Commission on Governmental Operations on the use of these funds on or before March 1 of each fiscal year, and more frequently as required by the Commission.

PART 26. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Requested by: Representatives Wilkins, Mitchell, Weatherly, H. Hunter, Senator Martin of Pitt

STATEWIDE AQUATIC WEED ASSESSMENT

Sec. 26. (a) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, the sum of thirty thousand dollars ($30,000) for the 1995–96 fiscal year shall be used by the Department of Environment, Health, and Natural Resources and the North Carolina Aquatic Weed Council to study aquatic weed infestation on a statewide basis.

(b) The Department of Environment, Health, and Natural Resources and the North Carolina Aquatic Weed Council shall report their findings to the Joint Legislative Commission on Governmental Operations by March 15, 1996.

(c) The report shall identify relevant research related to the control and eradication of noxious aquatic plants, include an assessment of the environmental and economic impacts caused by infestation, an assessment of the impact of federal regulations, and a discussion of the issues and options related to control and eradication, enforcement and funding mechanisms. The report shall also include options to reduce or eliminate aquatic weed infestation and a recommended statewide action plan. The report shall consider funding issues and shall address both total budgetary requirements and alternative sources of funding, including fees and other receipts.

Requested by: Representatives Holmes, Mitchell, Weatherly, Yongue, Senators Martin of Pitt, Jordan, Kerr

WATERSHED FUNDS DO NOT REVERT

Sec. 26.1. Subsection (b) of Section 107 of Chapter 561 of the 1993 Session Laws reads as rewritten:

"(b) Where the actual costs are different from the estimated costs under subsection (a) of this section, the Department may adjust the allocations among projects as needed. If any projects listed in subsection (a) of this section are delayed and the budgeted State funds cannot be used during the 1993–94 fiscal year, or if the projects listed in subsection (a) of this section are accomplished at a lower cost, the Department may use the resulting fund availability to fund:

(1) Corps of Engineers project feasibility studies, or

(2) Corps of Engineers projects whose schedules have advanced and require State matching funds in fiscal year 1993–94, or

(3) State–local Water Resources Development Projects.

~~Funds~~ Funds, except those allocated in subdivisions (a)(14),(15),(16), and (17) of this section, not expended or encumbered for these purposes shall revert to the General Fund at the end of the 1994–95 fiscal year. The funds allocated in subdivisions (a)(14),(15),(16), and (17) of this section shall not revert until June 30, 1997."

Requested by: Representatives Culp, Mitchell, Weatherly, Senators Martin of Pitt, Jordan, Kerr

RANDLEMAN DAM RESERVE RELEASE RESTRICTIONS

Sec. 26.2. Subsection (c) of Section 8 of Chapter 777 of the 1993 Session Laws reads as rewritten:

"(c) All funds appropriated in Chapter 769 of the 1993 Session Laws for the construction of Randleman Dam shall revert to the General Fund on ~~October 1, 1996,~~ October 1, 1997, if construction has not begun before that date."

Requested by: Senators Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

AGRICULTURE COST SHARE PROGRAM

Sec. 26.2A. Of the funds appropriated in Chapter 324 of the 1995 Session Laws to the Department of Environment, Health, and Natural Resources for the 1995–96 fiscal year for the Agriculture Cost Share Program for Nonpoint Source Pollution Control, the sum of fifty thousand dollars ($50,000) shall be used for additional funding for the demonstration project authorized in Section 165 of Chapter 689 of the 1991 Session Laws. These funds shall be used in accordance with the match requirements specified in G.S. 143–215.74(b)(6).

Requested by: Senators Martin of Pitt, Albertson, Jordan, Kerr,
Representatives Mitchell, Weatherly

AGRICULTURE COST SHARE FUNDS FOR CAPITAL FOR THE MANAGEMENT OF AGRICULTURE WASTE

Sec. 26.2B. Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, Division of Soil and Water Conservation, for the 1995–96 fiscal year for the Agriculture Cost Share Program for Nonpoint Source Pollution Control, the sum of five hundred thousand dollars ($500,000) shall be used for the 1995–96 fiscal year for capital expenses associated with developing agriculture waste management measures that reduce agricultural nonpoint source discharges, consistent with G.S. 143–214.5(a). These funds shall be used in accordance with the match and program requirements set forth in G.S. 143–215.74(b). When allocating these funds pursuant to this section, the Soil and Water Conservation Commission shall give priority to small, family agricultural operations. Any funds remaining at the end of the 1995–96 fiscal year shall not revert, but shall remain available for the use authorized by this subsection.

Requested by: Representatives Baker, Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

TOWN FORK CREEK SOIL CONSERVATION PROJECT

Sec. 26.3. (a) Of the funds appropriated in Section 41(a)(6) of Chapter 769 of the 1993 Session Laws for State–local projects, the sum of seven hundred fifty thousand dollars ($750,000) shall not revert until June 30, 1997. (These funds are to replace funds originally appropriated for Town Fork Creek that were later reallocated as a grant to the Pilot Mountain Foundation, Inc., for capital improvements.)

(b) The sum of four hundred thousand dollars ($400,000) appropriated in Section 107(a)(16) of Chapter 561 of the 1993 Session Laws shall not revert until June 30, 1997.

(c) The funds appropriated in Chapter 480 of the 1985 Session Laws and Chapter 754 of the 1989 Session Laws for construction of the Town Fork Reservoir Project in Stokes County, the funds appropriated in Section 107(a)(16) of Chapter 561 of the 1993 Session Laws, and the funds appropriated in Section 41(a)(6) of Chapter 769 of the 1993 Session Laws for State–local projects that do not revert shall be placed in a reserve account. The funds in the reserve account shall not be

expended or encumbered pending the completion, without cost to the State, of all of the following:

(1) A project cost review including an updated engineering cost estimate of the dam structure and associated costs.
(2) A cost estimate of the requirements imposed for habitat maintenance by the Wildlife Commission.
(3) A review of the impact of watershed regulations under review by the Department of Environment, Health, and Natural Resources.
(4) A review of the potential impact of the agreement with Forsyth County on watershed access.
(5) A determination of the amount of funds required to be paid by Stokes County and the approval of a majority of the voters of Stokes County in a referendum to be held at the general election in November 1996.

Requested by: Representatives Mitchell, Weatherly, H. Hunter, Holmes, Creech, Esposito,
Senators Martin of Pitt, Jordan, Kerr, Plyler, Perdue, Odom

HEALTHY START FOUNDATION FUNDS

Sec. 26.4. Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, the sum of two hundred thousand dollars ($200,000) for the 1995-96 fiscal year shall be allocated to the North Carolina Healthy Start Foundation to support the programs and activities of the Governor's Commission on Reduction of Infant Mortality. Funds allocated pursuant to this section shall be expended first to support statewide planning, promotion, and coordination for the First Step Campaign. Funds remaining after allocation for First Step shall be used to support other programs and activities. The Healthy Start Foundation shall report on all of its programs to the Joint Legislative Commission on Governmental Operations on or before March 1, 1996. The report shall include information on the Foundation's activities and accomplishments during the past fiscal year, a list of the groups, organizations, communities, and other recipients of assistance from the Foundation in the last 12 months, itemized expenditures during the past fiscal year with sources of funding, planned activities, and accomplishments for at least the next 12 months, and itemized anticipated expenditures with sources of funding for the next 12 months.

Requested by: Senators Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

MARINE FISHERIES LAW ENFORCEMENT PERSONNEL

Sec. 26.4A. The additional law enforcement positions authorized by this act for the Division of Marine Fisheries, Department of Environment, Health, and Natural Resources shall not be located in Raleigh.

Requested by: Senators Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

MARINE FISHERIES

Sec. 26.5. (a) Subsection (a) of Section 3 of Chapter 675 of the 1993 Session Laws, Regular Session 1994, reads as rewritten:

"(a) Except as provided in subsections (b), (c), ~~or (c1),~~ (c1), or (c2), the Department shall not issue any new licenses for a ~~two-year~~ period beginning July 1, 1994, and ending June 30, ~~1996~~ 1997, under the following statutes:

(1) G.S. 113–152. Vessel licenses.
(2) G.S. 113–153.1. Crab License.
(3) G.S. 113–154. Shellfish license
(4) G.S. 113–154.1. Nonvessel endorsements to sell fish."

(b) G.S. 113–154 is amended by adding a new subsection to read:

"(c1) A shellfish leaseholder under G.S. 113–202, or a water column leaseholder under G.S. 113–202.1 or G.S. 113–202.2 who purchases an individual shellfish license under this section, may utilize up to two additional persons to take shellfish from the leaseholder's lease without purchasing additional individual shellfish licenses. The leaseholder shall be on the premises supervising the person or persons, and the person or persons shall be restricted to taking shellfish only from the leaseholder's lease."

(c) G.S. 113–182(b) is amended by adding a new subdivision to read:

"(3) The possession, transportation, importation, exportation, sale, purchase, acquisition, and disposition of all fish taken in the Atlantic Ocean out to a distance of 200 miles from the State's mean low watermark, when the harvest or landing of the fish is controlled by a quota imposed on the State by a federal fisheries management plan."

(d) Section 3 of Chapter 576 of the 1993 Session Laws is amended by adding a new subsection to read:

"(c2) During the moratorium, a license required to participate in a fishery regulated by a federal fisheries management plan under G.S. 113–182(b)(3) may only be issued to a person who:

(1) Held a valid vessel license issued under G.S. 113–152, a valid land or sell license issued under G.S. 113–153, or a combination of the two licenses, during at lease two of the three years immediately preceding ratification;
(2) Participated in the fishery for which a license or permit is required during at least two of the three years immediately preceding ratification;
(3) Landed in North Carolina during each year of participation in the fishery the minimum pounds of fish as established by the Commission in duly adopted rules."

(e) The Marine Fisheries Commission may adopt temporary and permanent rules to authorize the use of no more than three crab pots for noncommercial purposes by a vessel that is not licensed under Article 14 of Chapter 113 of the General Statutes subject to the following conditions:

(1) The owner of the vessel does not hold any fisheries licenses issued under Article 14 of Chapter 113 of the General Statutes.
(2) Any crabs taken in these pots are not sold, offered for sale, bartered, or exchanged for merchandise.

(f) Section 26.8C of Chapter 324 of the 1995 Session Laws is repealed.

(g) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the 1995–96 fiscal year and for the 1996–97 fiscal year, the sum of twenty–five thousand dollars ($25,000) shall be allocated each fiscal year to support the activities of the Moratorium Steering Committee.

(h) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the 1995–96 fiscal year and for the

1996–97 fiscal year, the sum of ten thousand dollars ($10,000) shall be allocated each fiscal year to support the activities of the Appeals Panel during the moratorium on fisheries licenses.

(i) Subsection (c) of this section is effective upon ratification.

Requested by: Representatives Mitchell, Weatherly,
Senators Martin of Pitt, Jordan, Kerr

ABSTINENCE UNTIL MARRIAGE EDUCATION FUNDS

Sec. 26.5A. (a) Of the funds appropriated in Section 2 of Chapter 324 of the 1995 Session Laws to the Department of Environment, Health, and Natural Resources for health programs, the sum of up to fifty thousand dollars ($50,000) for the 1995–96 fiscal year may be used to fund a sex education curriculum that promotes abstinence until marriage. Systems that apply for these funds may receive up to two thousand five hundred dollars ($2,500) each. Nothing shall prohibit a school system from receiving private funds to provide this curriculum.

(b) All applications for grants for funds prescribed in subsection (a) of this section shall contain a detailed description of the curriculum to be offered and a full set of materials to be used. Prior to making any grants, the Department shall review all curriculum descriptions and materials and shall use the results of this review in determining whether to award grants. If any of the initial school systems that apply for grants are rejected by the review process, other school systems may apply.

(c) The Department shall report on the status and funding of the abstinence until marriage education curriculum to the House Appropriations Subcommittee on Natural and Economic Resources, the Senate Appropriations Committee on Natural and Economic Resources, and to the Joint Legislative Commission on Governmental Operations by May 1, 1996.

Requested by: Senators Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

BEAVER DAMAGE CONTROL FUNDS

Sec. 26.6. (a) Subsection (b) of Section 69 of Chapter 1044 of the 1991 Session Laws, as amended by Section 111 of Chapter 561 of the 1993 Session Laws and by Section 27.3 of Chapter 769 of the 1993 Session Laws, reads as rewritten:

"(b) The Beaver Damage Control Advisory Board shall develop a pilot program to control beaver damage on private and public lands. Bladen, Brunswick, Carteret, Chatham, Craven, Columbus, Duplin, Edgecombe, Franklin, Greene, Halifax, Hertford, Johnston, Lincoln, Nash, Onslow, Pamlico, Pender, Pitt, Robeson, Sampson, Scotland, Vance, Warren, Washington, Wayne, and Wilson Counties shall participate in the pilot program. The Beaver Damage Control Advisory Board shall act in an advisory capacity to the Wildlife Resources Commission in the implementation of the program. In developing the program, the Board shall:

(1) Orient the program primarily toward public health and safety and toward landowner assistance, providing some relief to landowners through beaver control and management rather than eradication;
(2) Develop a priority system for responding to complaints about beaver damage;
(3) Develop a system for documenting all activities associated with beaver damage control, so as to facilitate evaluation of the program;

(4) Provide educational activities as a part of the program, such as printed materials, on–site instructions, and local workshops;

(5) Provide for the hiring of personnel necessary to implement beaver damage control activities, administer the pilot program, and set salaries of personnel;

(6) Evaluate the costs and benefits of the program that might be applicable elsewhere in North Carolina.

No later than September 30, 1994 and again upon the conclusion of the pilot program on June 30, ~~1995,~~ 1996, the Board shall issue a report to the Wildlife Resources Commission on the program to date, including recommendations on the feasibility of continuing the program in participating counties and the desirability of expanding the program into other counties. The Wildlife Resources Commission shall prepare a plan to implement a statewide program to control beaver damage on private and public lands. No later than January 1, 1995, the Wildlife Resources Commission shall present its plan in a report to the House Appropriations Subcommittee on Natural and Economic Resources and the Senate Appropriations Committee on Natural and Economic Resources."

(b) Subsection (h) of Section 69 of Chapter 1044 of the 1991 Session Laws, as amended by Section 111 of Chapter 561 of the 1993 Session Laws and by Section 27.3 of Chapter 769 of the 1993 Session Laws, reads as rewritten:

"(h) Subsections (a) through (d) of this section expire June 30, ~~1995~~. 1996."

(c) Section 7 of Chapter 358 of the 1995 Session Laws is repealed.

(d) Of the funds appropriated from the General Fund to the Wildlife Resources Commission for the 1995–96 fiscal year, there is allocated the sum of three hundred seventy–two thousand six hundred ninety dollars ($372,690) to provide the State share necessary to continue the beaver damage control pilot program established by Section 69 of Chapter 1044 of the 1991 Session Laws, as amended by Section 111 of Chapter 561 of the 1993 Session Laws and Section 27.3 of the 1993 Session Laws, in Bladen, Brunswick, Carteret, Chatham, Craven, Columbus, Duplin, Edgecombe, Franklin, Greene, Halifax, Hertford, Johnston, Lincoln, Nash, Onslow, Pamlico, Pender, Pitt, Robeson, Sampson, Scotland, Vance, Warren, Washington, Wayne, and Wilson Counties, provided the sum of twenty–five thousand dollars ($25,000) in federal funds is available in each fiscal year to provide the federal share. These funds shall be matched by four thousand dollars ($4,000) of local funds in each fiscal year from each of the 27 participating counties.

Requested by: Senators Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

STUDY ALTERNATIVES FOR DISPOSAL OF DREDGING MATERIALS

Sec. 26.7. The Department of Environment, Health, and Natural Resources shall study the feasibility and benefit of using the materials dredged from waterways to create artificial wetlands or island marshes as an alternative method of disposing of dredge material. The Department shall consider the "island marshes" located offshore of the Aransas National Wildlife Refuge on the Texas coast as a model. The Department shall report to the Joint Legislative Commission on Governmental Operations regarding its findings and recommendations by March 1, 1996.

Requested by: Senators Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

FOOD SANITATION FUNDS

Sec. 26.8. (a) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, the sum of one hundred thousand dollars ($100,000) for the 1995–96 fiscal year and the sum of one hundred thousand dollars ($100,000) for the 1996–97 fiscal year shall be used to conduct conferences to provide continuing education and training of environmental health specialists.

(b) Effective January 1, 1996, G.S. 130A–248(a3), as amended by Chapter 123 of the 1995 Session Laws, reads as rewritten:

"(a3) The rules adopted by the Commission pursuant to subsections (a), (a1), and (a2) of this section shall address, but not be limited to, the following:

(1) Sanitation requirements for cleanliness of floors, walls, ceilings, storage spaces, utensils, ventilation equipment, and other areas and items;
(2) Requirements for:
  a. Lighting and water supply;
  b. Wastewater collection, treatment, and disposal facilities; and
  c. Lavatory and toilet facilities, food protection, and waste disposal;
(3) The cleaning and bactericidal treatment of eating and drinking utensils and other food–contact surfaces;
(3a) The appropriate and reasonable use of gloves or utensils by employees who handle unwrapped food;
(4) The methods of food preparation, transportation, catering, storage, and serving;
(5) The health of employees;
(6) Animal and vermin control; and
(7) The prohibition against the offering of unwrapped food samples to the general public unless the offering and acceptance of the samples are continuously supervised by an agent of the entity preparing or offering the samples or by an agent of the entity on whose premises the samples are made available. As used in this subdivision, 'food samples' means unwrapped food prepared and made available for sampling by and without charge to the general public for the purpose of promoting the food made available for sampling. This subdivision does not apply to unwrapped food prepared and offered in buffet, cafeteria, or other style in exchange for payment by the general public or by the person or entity arranging for the preparation and offering of such unwrapped food. This subdivision shall not apply to open air produce markets nor to farmer market facilities operated on land owned or leased by the State of North Carolina or any local government.

The rules shall contain a system for grading facilities, such as Grade A, Grade B, and Grade C. The rules shall be written in a manner that promotes consistency in both the interpretation and application of the grading system."

(c) Effective January 1, 1996, G.S. 130A–39(b) reads as rewritten:

"(b) A local board of health may adopt a more stringent rule in an area regulated by the Commission for Health Services or the Environmental

Management Commission where, in the opinion of the local board of health, a more stringent rule is required to protect the public health; otherwise, the rules of the Commission for Health Services or the rules of the Environmental Management Commission shall prevail over local board of health rules. However, a local board of health may not adopt a rule concerning the ~~grading~~ grading, operating, and permitting of food and lodging facilities as listed in Part 6 of Article 8 of this Chapter and as defined in G.S. 130A-247(1), and a local board of health may adopt rules concerning wastewater collection, treatment and disposal systems which are not designed to discharge effluent to the land surface or surface waters only in accordance with G.S. 130A-335(c)."

(d) G.S. 130A-30(a) reads as rewritten:

"(a) The Commission for Health Services shall consist of ~~12~~ 13 members, four of whom shall be elected by the North Carolina Medical Society and ~~eight~~ nine of whom shall be appointed by the Governor."

(e) The Department of Environment, Health, and Natural Resources, in consultation with the North Carolina Restaurant Association, shall review all rules and forms that govern the sanitation of restaurants and other food handling establishments for vagueness, inconsistency, and lack of specificity and shall develop a plan to improve uniformity of interpretation and application of these rules across the State. The Department shall present the plan to the Commission for Health Services by December 31, 1996, along with any recommendations for rule modification. The Department, in consultation with the Association, shall continue to monitor and address the interpretation and application of the rules, forms, and other food service matters.

(f) G.S. 130A-247, as amended by Chapter 123 of the 1995 Session Laws, is amended by adding the following new subdivision to read:

"(7) 'Limited food services establishment' means an establishment as described in G.S. 130A-248(a4), with food handling operations that are restricted by rules adopted by the Commission pursuant to G.S. 130A-248(a4) and that prepares or serves food only in conjunction with amateur athletic events."

(g) G.S. 130A-248, as amended by Chapter 123 of the 1995 Session Laws, is amended by adding the following new subsection to read:

"(a4) For the protection of the public health, the Commission shall adopt rules governing the sanitation of limited food service establishments. In adopting the rules, the Commission shall not limit the number of days that limited food service establishments may operate. Limited food service establishment permits shall be issued only to political subdivisions of the State, establishments operated by volunteers that prepare or serve food in conjunction with amateur athletic events, or for establishments operated by other charitable organizations. On and after January 1, 1996, limited food service establishment permits shall be issued only to political subdivisions of the State, establishments operated by volunteers that prepare or serve food in conjunction with amateur athletic events, or for establishments operated by organizations that have applied for exemption or are exempt from federal income tax under section 501(c)(3) or section 501(c)(4) of the Internal Revenue Code. On and after January 1, 1997, limited food service establishment permits shall be issued only to political subdivisions of the State, establishments operated by volunteers that prepare or serve food in conjunction with amateur athletic events, or for establishments operated by organizations that are exempt from

federal income tax under section 501(c)(3) or section 501(c)(4) of the Internal Revenue Code."

(h) Notwithstanding any other provision of law, an establishment permitted as a limited food service establishment on the effective date of this act that does not meet the requirements of G.S. 130A–248(a4) may continue to operate as a limited food service establishment in accordance with the Commission's rules for not more than 60 days per year and only until January 1, 1997.

Requested by: Senators Martin of Pitt, Warren, Jordan, Kerr, Representatives Mitchell, Weatherly

FUNDS FOR HEART DISEASE AND STROKE PREVENTION TASK FORCE

Sec. 26.9. (a) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, the sum of one hundred thousand dollars ($100,000) for the 1995–96 fiscal year and the sum of one hundred thousand dollars ($100,000) for the 1996–97 fiscal year shall be used to support the North Carolina Heart Disease and Stroke Prevention Task Force created under this section.

(b) The North Carolina Heart Disease and Stroke Prevention Task Force is created in the Division of Adult Health Promotion, Department of Environment, Health, and Natural Resources.

(c) The Task Force shall have 27 members. The Governor shall appoint the Chair, and the Vice–Chair shall be elected by the Task Force. The Director of the Division of Adult Health Promotion in the Department of Environment, Health, and Natural Resources, the Director of the Division of Medical Assistance in the Department of Human Resources, and the Director of the Division of Aging in the Department of Human Resources, or their designees, shall be members of the Task Force. Appointments to the Task Force shall be made as follows:

(1) By the General Assembly upon the recommendation of the President *Pro Tempore* of the Senate, as follows:
   a. Three members of the Senate;
   b. A heart attack survivor;
   c. A local health director;
   d. A certified health educator;
   e. A hospital administrator; and
   f. A representative of the North Carolina Association of Area Agencies on Aging.

(2) By the General Assembly upon the recommendation of the Speaker of the House of Representatives, as follows:
   a. Three members of the House of Representatives;
   b. A stroke survivor;
   c. A county commissioner;
   d. A licensed dietitian/nutritionist;
   e. A pharmacist; and
   f. A registered nurse.

(3) By the Governor, as follows:
   a. A practicing family physician, pediatrician, or internist;
   b. A president or chief executive officer of a business upon recommendation of a North Carolina wellness council which is a member of the Wellness Councils of America;
   c. A news director of a newspaper or television or radio station;

d. A volunteer of the North Carolina Affiliate of the American Heart Association;
e. A representative from the North Carolina Cooperative Extension Service;
f. A representative of the Governor's Council on Physical Fitness and Health; and
g. Two members at large.

(d) Each appointing authority shall assure insofar as possible that its appointees to the Task Force reflect the composition of the North Carolina population with regard to ethnic, racial, age, gender, and religious composition.

(e) The General Assembly and the Governor shall make their appointments to the Task Force not later than 30 days after the adjournment of the 1995 General Assembly, Regular Session 1995. A vacancy on the Task Force shall be filled by the original appointing authority, using the criteria set out in this section for the original appointment.

(f) The Task Force shall meet at least quarterly or more frequently at the call of the Chair.

(g) The Task Force Chair may establish committees for the purpose of making special studies pursuant to its duties, and may appoint non–Task Force members to serve on each committee as resource persons. Resource persons shall be voting members of the committees and shall receive subsistence and travel expenses in accordance with G.S. 138–5 and G.S. 138–6. Committees may meet with the frequency needed to accomplish the purposes of this section.

(h) Members of the Task Force shall receive per diem and necessary travel and subsistence expenses in accordance with G.S. 120–3.1, 138–5 and 138–6, as applicable.

(i) A majority of the Task Force shall constitute a quorum for the transaction of its business.

(j) The Task Force may use funds allocated to it to establish two positions and for other expenditures needed to assist the Task Force in carrying out its duties.

(k) The Heart Disease and Stroke Prevention Task Force has the following duties:

(1) To undertake a statistical and qualitative examination of the incidence of and causes of heart disease and stroke deaths and risks, including identification of subpopulations at highest risk for developing heart disease and stroke, and establish a profile of the heart disease and stroke burden in North Carolina.
(2) To publicize the profile of the heart disease and stroke burden and its preventability in North Carolina.
(3) To identify priority strategies which are effective in preventing and controlling risks for heart disease and stroke.
(4) To identify, examine limitations of, and recommend to the Governor and the General Assembly changes to existing laws, regulations, programs, services, and policies to enhance heart disease and stroke prevention by and for the people of North Carolina.
(5) To determine and recommend to the Governor and the General Assembly the funding and strategies needed to enact new or to modify existing laws, regulations, programs, services, and policies to

enhance heart disease and stroke prevention by and for the people of North Carolina.

(6) To adopt and promote a statewide comprehensive Heart Disease and Stroke Prevention Plan to the general public, State and local elected officials, various public and private organizations and associations, businesses and industries, agencies, potential funders, and other community resources.

(7) To identify and facilitate specific commitments to help implement the Plan from the entities listed in subdivision (6) above.

(8) To facilitate coordination of and communication among State and local agencies and organizations regarding current or future involvement in achieving the aims of the Heart Disease and Stroke Prevention Plan.

(9) To receive and consider reports and testimony from individuals, local health departments, community–based organizations, voluntary health organizations, and other public and private organizations statewide, to learn more about their contributions to heart disease and stroke prevention, and their ideas for improving heart disease and stroke prevention in North Carolina.

(l) The Task Force shall submit to the Governor and to the General Assembly a preliminary report by January 1, 1996; an interim report within the first week of the convening of the 1997 General Assembly; and a final report by October 1, 1997. The reports shall address the Plan, actions and resources needed to fully implement the Plan, and progress in achieving implementation of the Plan to reduce the occurrence of and burden from heart disease and stroke in North Carolina. The reports shall include an accounting of funds expended and anticipated funding needs for full implementation of recommended plans and programs.

(m) Upon submission of its final report to the Governor and the 1997 General Assembly, the Task Force shall expire.

Requested by: Senators Martin of Pitt, Jordan, Kerr,
Representatives Mitchell, Weatherly

ABOVEGROUND STORAGE TANKS INSPECTION AND MONITORING/DATA COLLECTION

Sec. 26.10. (a) Of the funds appropriated to the Department of Environment, Health, and Natural Resources in this act for the 1995–96 fiscal year, the sum of three hundred thousand dollars ($300,000) shall be used as follows:

(1) $250,000 shall be used to conduct periodic inspections at major oil terminal facilities, as defined in G.S. 143–215.77, in Mecklenburg County and the equipment at these facilities to determine whether oil or any other hazardous substance is being discharged into the environment and, at the facility and in the area surrounding the facility, to monitor the quality of the air, water, and soil and analyze air, water, and soil samples to determine the presence of toxic emissions, water quality degradation, or soil contamination.

(2) $50,000 shall be transferred to the Department of Crime Control and Public Safety to be used to establish a computerized aboveground storage tank inventory and release data base to maintain all reports it receives concerning the release of oil or hazardous substances and the information it receives on Tier Two, Emergency and Hazardous

Chemical inventory forms pursuant to Section 312 of Title III of the Superfund Amendments and Reauthorization Act of 1986, as amended, 42 U.S.C. § 11022.

(b) Beginning October 1, 1995, and quarterly thereafter, the Department of Environment, Health, and Natural Resources shall submit a report of its inspection and monitoring activities pursuant to subsection (a) of this section to the Environmental Review Commission.

Requested by: Senators Martin of Pitt, Odom, Perdue, Plyler, Hobbs, McKoy, Jordan, Kerr,
Representatives Mitchell, Weatherly

ANIMAL WASTE SYSTEM COMPLIANCE INSPECTORS

Sec. 26.11. (a) Of the funds appropriated to the Department of Environment, Health, and Natural Resources in this act, the sum of four hundred fifty-nine thousand two hundred ninety-two dollars ($459,292) for the 1995-96 fiscal year and the sum of four hundred twenty-four thousand seven hundred ninety-two dollars ($424,792) for the 1996-97 fiscal year shall be used for staff and operating expenses for the Department to conduct inspections, enforcement activities, and laboratory analyses to ensure that animal waste operations comply with the statutory and regulatory requirements for animal waste.

(b) The staff who conduct inspections pursuant to subsection (a) of this section shall cooperate with owners and operators of agricultural operations and shall provide planning assistance and oversight to ensure conformity with animal waste requirements.

Requested by: Senators Cooper, Ballance, Speed, Plyler, Perdue, Odom,
Representatives Holmes, Creech, Esposito

MULTI-COUNTY WATER CONSERVATION AND INFRASTRUCTURE DISTRICT

Sec. 26.12. Effective upon ratification, Chapter 158 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 2A.

"Multi-County Water Conservation and Infrastructure District.

"**§ 158-15.1. Multi-County Water Conservation and Infrastructure District.**

(a) There is established the Multi-County Water Conservation and Infrastructure District, which is a public authority for the purpose of the Local Government Budget and Fiscal Control Act.

(b) The member counties of the Multi-County Water Conservation and Infrastructure District are Bertie, Granville, Halifax, Martin, Northampton, Person, Vance and Warren.

(c) The governing body of the Multi-County Water Conservation and Infrastructure District is the Multi-County Water Commission, which has eight members. One shall be appointed by the board of commissioners of each member county for a three-year term.

(d) All monies received by the State of North Carolina for sale of water under the Roanoke River Basin Compact, if enacted, shall be paid to the Multi-County Water Conservation and Infrastructure District.

(e) The District may accept for any of its purposes and functions any and all donations, grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency

thereof, or interstate agency, or from any political subdivision of this State or any other state, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. The nature, amount and condition, if any, attendant upon any donation or grant accepted pursuant to this subsection together with the identity of the donor or grantor, shall be detailed in the annual audit of the District.

(f) At times specified by the Multi-County Water Commission, net revenues after operating expenses of the District shall be paid to the member counties according to the following formula: (i) one-half pro-rata based on population of each member county; and (ii) one-half pro-rata based on land area of each county.

(g) Member counties may use funds received under this section for public purposes relating to infrastructure development, economic development, and water conservation.

(h) The Commission may adopt such rules as may be needful for operation of its affairs, and shall employ and terminate personnel as if it were a county."

Requested by: Senators Plyler, Perdue, Odom,
Representatives Holmes, Creech, Esposito

SOIL AND WATER ASSISTANCE TO SMALL, FAMILY FARMS

Sec. 26.13. (a) Of the funds appropriated in this act to the Division of Soil and Water Conservation, Department of Environment, Health, and Natural Resources, the sum of four hundred twenty-seven thousand five hundred ten dollars ($427,510) for the 1995-96 fiscal year and the sum of four hundred twenty-seven thousand five hundred ten dollars ($427,510) for the 1996-97 fiscal year shall be used for staff and operating expenses for the Division to assist agricultural operations to meet the December 1997 requirements for animal waste management. When allocating these staff resources, the Division of Soil and Water Conservation shall give priority to small, family agricultural operations.

PART 26A. CAPITAL IMPROVEMENTS - GENERAL FUND

Sec. 26A. The appropriations made by the 1995 General Assembly for capital improvements are for constructing, repairing, or renovating State buildings, utilities, and other capital facilities, for acquiring sites for them where necessary, and for acquiring buildings and land for State government purposes.

Sec. 26A.1. Appropriations from the General Fund for the 1995-96 fiscal year for use by the State departments, institutions, and agencies to provide for capital improvement projects according to the following schedule:

	1995-96	1996-97
Capital Improvements		
Department of Administration (Total)	**$35,187,700**	**$41,043,700**
1. Veterans Home Reserve - to Supplement Cost of Construction	660,000	
2. Indian Culture Center Various site improvements		175,000
3. Construction of New Prison Beds		
a. Design and Preliminary Site Work for Prison Facilities	7,500,000	

b.	Match for FY 1995 Federal Funds for Construction of 60 Bed Female Boot Camp	637,643	
c.	Match for FY 1996 Federal Funds for Construction of New Prison Beds (effective 10/15/95)	25,576,357	40,868,700
4.	Electronic Intrusion System Install Electronic Intrusion System at N.C. Correctional Institution for Women		813,700
Department of Agriculture (Total)		**2,257,200**	**4,000,000**
5.	Dairy Facility – Cherry Farm		
Total Requirements	507,200		
Less: Timber Sales Receipts	250,000	257,200	
6.	Eastern N.C. Agricultural Center Continued Development	2,000,000	4,000,000
Department of Crime Control and Public Safety (Total)		**200,000**	
7.	Kinston National Guard Armory Additional State match for bid overrun	200,000	
Department of Cultural Resources (Total)		**8,100,000**	**250,000**
8.	Reserve for Land acquisition and development	3,000,000	
9.	Elizabeth II State Historic Site	5,000,000	
10.	Museum of Art–Facilities Planning		250,000
11.	N.C. Pottery Center–Planning	100,000	
Department of Human Resources (Total)		**982,000**	**2,288,000**
12.	Gaston Detention Center	270,000	
13.	Northeast Detention Center		1,800,000
14.	Eastern N.C. School for Deaf – Capital Improvements	712,000	488,000
Department of Justice (Total)		**1,915,400**	**4,091,200**
15.	N.C. Justice Academy– Replace Blue Bell Building at N.C. Justice Academy		1,500,000
16.	N.C. Justice Academy– Replace maintenance shed	445,400	
17.	N.C. Justice Academy– Construct new classroom building		2,591,200
18.	Western Justice Academy	1,470,000	
Environment, Health, and Natural Resources (Total)		**13,515,000**	**7,050,000**
19.	State Parks System – Construction, acquisition, repairs and renovations	10,000,000	

20. North Carolina Aquariums Planning	300,000	1,000,000
21. Museum of Natural Science – Exhibits Planning and Design	400,000	
22. Water Resources Projects	2,065,000	
23. Marine Fisheries – Replacement of law enforcement vessel		300,000
24. Water and Sewer Demonstration Projects – New technology projects particularly in the area of environmental disposal and system creation		5,000,000
25. Forestry Headquarters Reserve – Replacement of Facilities at County and District Headquarters sites	750,000	750,000
State Budget and Management (Total)	**2,285,000**	**2,000,000**
26. Global TransPark Engineering and design for Kinston Regional Jet Port Military Construction Project (State Match)	285,000	
27. Reserve for cleanup of hazardous waste sites	2,000,000	2,000,000
UNC Board of Governors (Total)	**49,080,200**	**96,544,100**
28. NC State University Centennial Center Funds	3,500,000	3,500,000
29. UNC–Chapel Hill/N.C. State University Marine Science Facility	500,000	7,300,000
30. UNC–TV Southeastern Tower in Lumberton	500,000	1,480,000
31. UNC–Chapel Hill Law School	5,057,600	5,000,000
32. UNC–Chapel Hill School of Pharmacy Planning		1,000,000
33. East Carolina University– Life Sciences Building	2,700,000	4,423,800
34. NC A&T State University Classroom Building Planning		1,000,000
35. UNC–Asheville Kellogg Center	500,000	
36. UNC–General Administration Administrator's Academy		9,871,100
37. NC State University 4–H Environmental Education Center		2,545,300
38. NC Central University Education Building	6,031,700	9,600,000
39. Elizabeth City State University Vaughan Center Addition		2,190,500
40. Fayetteville State University Student Center Addition	3,790,900	
41. UNC–Chapel Hill Center for Dramatic Art		8,394,800

42.	UNC–Chapel Hill Medical Biomolecular and Neuro–sciences Research Building		1,000,000
43.	Appalachian State University Convocation Center	10,000,000	10,601,100
44.	UNC Wilmington Marine Science Building	6,000,000	10,000,000
45.	UNC Charlotte Library Addition	4,500,000	16,071,500
46.	NC School of the Arts Student Activity Center		2,566,000
47.	NC State University School of Agriculture (includes $500,000 planning funds for Toxicology Building)	6,000,000	
TOTAL CAPITAL		**$113,522,500**	**$157,267,000**

PART 27. CAPITAL AND SPECIAL PROVISIONS

Requested by: Senators Warren, Gulley, Plyler, Perdue, Odom, Representatives Ives, Lemmond, Culpepper, Holmes, Creech, Esposito

NORTH CAROLINA INFORMATION HIGHWAY FUNDS

Sec. 27. (a) The funds appropriated in this act to the Office of the State Controller for the operation of the North Carolina Information Highway shall be used only for costs incurred by the Office of the State Controller related to the operations and support of the North Carolina Information Highway. No funds appropriated in this act shall be expended to pay Minimum Monthly Usage charges for North Carolina Information Highway services until such time as the Controller certifies to the General Assembly that the network is capable of performing all services for which the State has contracted and that the network equipment and service providers are capable of providing full and adequate support for the network's functions and to all qualified users.

(b) No State funds may be used or encumbered to expand the sites for the North Carolina Information Highway beyond the 74 sites approved by the General Assembly. No expansion of sites for the North Carolina Information Highway shall obligate the North Carolina General Assembly for future additional State appropriations. If other non–state funds are used to expand sites beyond the 74 approved sites, no State funds may be used or encumbered for those sites. However, if other State agencies excluding the 74 sites have received State funds prior to June 30, 1995, to allow them to set up a site or to come on line with the North Carolina Information Highway, then that agency may purchase equipment or come on line; but, the General Assembly shall not be obligated for future or continuing State appropriations for any site beyond the 74 approved sites.

(c) Beginning October 1, 1995, the Controller shall report quarterly to the Joint Legislative Commission on Governmental Operations regarding the costs incurred by the Office of the State Controller related to the operations and support of the North Carolina Information Highway, and shall make a final report to the General Government Appropriations Subcommittees for the Senate and the House of Representatives and to the 1995 General Assembly, 1996 Regular Session.

(d) For purposes of this section the term "North Carolina Information Highway" means the new, high-capacity optical fiber network that uses SONET transmission technology and ATM switching.

Requested by: Senators Warren, Gulley,
Representatives Ives, Lemmond, Culpepper

DATA PROCESSING RESERVE

Sec. 27.1. The Office of State Controller and the Office of State Budget and Management shall jointly study the State Computer Center, demand estimates, and shall submit to the 1995 General Assembly, Regular Session 1996, by May 1, 1996, a comprehensive report detailing projected cost needs for the 1996-97 fiscal year and the funding source for those needs in excess of the level funded in Chapter 324 of the 1995 Session Laws, the Continuation Budget Appropriations Act of 1995, and in this act.

Requested by: Representatives Holmes, Creech, Esposito

APPALACHIAN STATE UNIVERSITY'S
MASTER OF SCHOOL ADMINISTRATION PROGRAM CONTINUED

Sec. 27.2. (a) G.S. 116-74.21(b) reads as rewritten:

"(b) No more than ~~seven~~ eight school administrator programs shall be established under the competitive proposal program. In selecting campus sites, the Board of Governors shall be sensitive to the racial, cultural, and geographic diversity of the State. Special priority shall be given to the following factors: (i) the historical background of the institutions in training educators; (ii) the ability of the sites to serve the geographic regions of the State, such as, the far west, the west, the triad, the piedmont, and the east; and, (iii) whether the type of roads and terrain in a region make commuting difficult. A school administrator program may provide for instruction at one or more campus sites."

(b) The Board of Governors of The University of North Carolina shall continue the Master of School Administrators program at Appalachian State University as one of the eight school administrator programs established pursuant to G.S. 116-74.21.

Requested by: Representatives Holmes, Creech, Esposito

PIEDMONT SPORTS AND ENTERTAINMENT FACILITIES
STUDY COMMISSION

Sec. 27.3. Section 28.21 of Chapter 769 of the 1993 Session Laws, Regular Session 1994, reads as rewritten:

"Sec. 28.21. (a) The Piedmont Sports and Entertainment Study Commission is created. The Commission shall consist of 35 members. The boards of county commissioners of Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Randolph, Rockingham, Stokes, Surry, and Yadkin Counties shall, each, appoint two members of the Commission; one of whom shall be a county commissioner of that county and one of whom is a resident of that county recommended by the chamber of commerce serving that county. Eleven members shall be appointed by the Chair of the Commission. The chair and vice-chair of the Piedmont State Legislative Caucus, as the Caucus existed during the ~~1994~~ 1995 Regular Session, shall be *ex officio* members of the Commission and shall serve, respectively, as the chair and vice-chair of the Commission.

(b) The Commission shall study the need for and feasibility of creating regional sports and entertainment facilities to serve the Piedmont area of the State; and, if

the Commission determines the facilities are needed and their creation feasible, the best method to establish an Authority to implement these facilities.

(c) The Commission shall submit a report of its findings and recommendations to the General Assembly on or before the first day *of* the 1995 General ~~Assembly~~ Assembly, Regular Session 1996, by filing the report with the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives. Upon filing its report, the Commission shall terminate.

(d) The Commission may meet at any time upon the call of the chair. The Commission may meet, with the approval of the Legislative Services Commission, in the State Legislative Building or the Legislative Office Building.

(e) Notwithstanding any other provision of law, members of the Commission shall receive no per diem compensation, but shall receive reimbursement of subsistence and travel expenses, as provided by law.

(f) The Commission may contract for professional, clerical, or consultant services. The Department of Commerce shall assign professional and clerical staff to assist in the work of the Commission.

(g) When a vacancy occurs in the membership of the Commission, the vacancy shall be filled by the original appointing authority employing the same criteria as used in the original appointment.

(h) From the funds appropriated to the Department of Commerce for fiscal year ~~1994–95,~~ 1995–96, the sum of twenty–five thousand dollars ($25,000) shall be used for the expenses of the Commission."

Requested by: Representatives Holmes, Creech, Esposito

DELIVERY OF WARRANTS AND DISBURSEMENTS FOR NON–STATE ENTITIES

Sec. 27.4. G.S. 143–3.2(a) reads as rewritten:

"**§ 143–3.2. Issuance of warrants upon State ~~Treasurer.~~ Treasurer; delivery of warrants and disbursements for non–State entities.**

(a) The State Controller shall have the exclusive responsibility for the issuance of all warrants for the payment of money upon the State Treasurer. All warrants upon the State Treasurer shall be signed by the State Controller, who before issuing them shall determine the legality of payment and the correctness of the accounts. All warrants issued for non–State entities shall be delivered by the appropriate agency to the entity's legally designated recipient by United States mail or its equivalent, including electronic funds transfer.

When the State Controller finds it expedient to do so because of a State agency's size and location, the State Controller may authorize a State agency to make expenditures through a disbursing account with the State Treasurer. The State Controller shall authorize the Judicial Department and the General Assembly to make expenditures through such disbursing accounts. All disbursements made to non–State entities shall be delivered by the appropriate agency to the entity's legally designated recipient by United States mail or its equivalent, including electronic funds transfer. All deposits in these disbursing accounts shall be by the State Controller's warrant. A copy of each voucher making withdrawals from these disbursing accounts and any supporting data required by the State Controller shall be forwarded to the Office of the State Controller monthly or as otherwise required by the State Controller. Supporting data for a voucher making a withdrawal from one of these disbursing accounts to meet a payroll shall include the

amount of the payroll and the employees whose compensation is part of the payroll.

A central payroll unit operating under the Office of the State Controller may make deposits and withdrawals directly to and from a disbursing account. The disbursing account shall constitute a revolving fund for servicing payrolls passed through the central payroll unit.

The State Controller may use a facsimile signature machine in affixing his signature to warrants.

(b) The State Treasurer may impose on an agency a fee of fifteen dollars ($15.00) for each check drawn against the agency's disbursing account that causes the balance in the account to be in overdraft or while the account is in overdraft. The financial officer shall pay the fee from non–State or personal funds to the General Fund to the credit of the miscellaneous non–tax revenue account by the agency."

Requested by: Senators Warren, Gulley,
Representatives Ives, Lemmond, Culpepper

LOCAL HISTORICAL ORGANIZATIONS GRANTS

Sec. 27.5. Of the funds appropriated in this act for the 1995–96 fiscal year to the Department of Cultural Resources the sum of three million dollars ($3,000,000) shall be distributed as grants–in–aid to nonprofit historical organizations, nonprofit museums, or local governmental entities in accordance with administrative guidelines issued by the Secretary of the Department of Cultural Resources. The purpose of the grants shall be to encourage, through the use of grants–in–aid, the protection, preservation, and interpretation of historic assets with local or regional significance. Priority consideration shall be given to the local historical organization's educational objectives. Grants shall be limited to amounts of one hundred thousand dollars ($100,000) or less.

Requested by: Senators Warren, Gulley,
Representatives Ives, Lemmond, Culpepper

LOCAL CULTURAL AND ARTISTIC ORGANIZATIONS GRANTS

Sec. 27.6. Of the funds appropriated in this act for the 1995–96 fiscal year to the Department of Cultural Resources the sum of three million dollars ($3,000,000) shall be distributed as grants–in–aid to nonprofit local cultural or artistic organizations or local governmental entities in accordance with administrative guidelines issued by the Secretary of the Department of Cultural Resources. The purpose of the grants shall be to support and promote, through the use of grants–in–aid, local cultural and artistic organizations with local or regional significance. Priority consideration shall be given to the local cultural or artistic organization's educational objectives. Grants shall be limited to amounts of one hundred thousand dollars ($100,000) or less.

Requested by: Representatives Creech, Holmes, Esposito, Redwine,
Senators Perdue, Plyler, Odom

IMPROVEMENT OF THE ADMINISTRATIVE RULES PROCESS/ LEGISLATIVE OVERSIGHT/FISCAL ACCOUNTABILITY

Sec. 27.8 LEGISLATION IMPROVING THE ADMINISTRATIVE RULES PROCESS

LEGISLATIVE OVERSIGHT

(a) Chapter 120 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 12K.

"Joint Legislative Administrative Procedure Oversight Committee.

"§ 120-70.100. Creation and membership of Joint Legislative Administrative Procedure Oversight Committee.

(a) The Joint Legislative Administrative Procedure Oversight Committee is established. The Committee consists of 16 members as follows:

(1) Eight members of the Senate appointed by the President *Pro Tempore* of the Senate, at least three of whom are members of the minority party.

(2) Eight members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

(b) Members of the Committee shall serve a term of two years beginning on January 15 of each odd-numbered year. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee. A member continues to serve until the member's successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

"§ 120-70.101. Purpose and powers of Committee.

The Joint Legislative Administrative Procedure Oversight Committee has the following powers and duties:

(1) To review rules to which the Rules Review Commission has objected to determine if statutory changes are needed to enable the agency to fulfill the intent of the General Assembly.

(2) To receive reports prepared by the Rules Review Commission containing the text and a summary of each rule approved by the Commission.

(3) To prepare a notebook that contains the administrative rules that have been approved by the Rules Review Commission and reported to the Committee and to notify each member of the General Assembly of the availability of the notebook.

(4) To review State regulatory programs to determine if the programs overlap, have conflicting goals, or could be simplified and still achieve the purpose of the regulation.

(5) To review existing rules to determine if the rules are necessary or if the rules can be streamlined.

(6) To review the rule-making process to determine if the procedures for adopting rules give the public adequate notice of and information about proposed rules.

(7) To review any other concerns about administrative law to determine if statutory changes are needed.

(8) To report to the General Assembly at the beginning of each regular session concerning the Committee's activities and any recommendations for statutory changes.

"§ 120-70.102. Organization of Committee.

(a) The President *Pro Tempore* of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Administrative

Procedure Oversight Committee. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is nine members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120–19 and G.S. 120–19.1 through G.S. 120–19.4.

(c) Members of the Committee receive subsistence and travel expenses as provided in G.S. 120–3.1. The Committee may contract for consultants or hire employees in accordance with G.S. 120–32.02. The Committee may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The Legislative Services Commission, through the Legislative Administrative Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be paid by the Committee.

"§ 120–70.103. Exercise of duty to maintain a notebook of approved rules.

With the approval of the Legislative Services Commission, the Joint Legislative Administrative Procedure Oversight Committee may delegate to the Legislative Library the duty to maintain a notebook containing rules approved by the Rules Review Commission. Whether the notebook is maintained by the Committee or by the Legislative Library, rules shall be filed in the notebook in accordance with the numbering system used in the North Carolina Administrative Code."

AGENCY FISCAL NOTE REQUIRED BEFORE PUBLISHING PROPOSED PERMANENT RULE CHANGE OF SUBSTANTIAL ECONOMIC IMPACT

(b) G.S. 150B–21.4 is amended by adding two new subsections to read:

"(b1) Substantial Economic Impact. — Before an agency publishes in the North Carolina Register the proposed text of a permanent rule change that would have a substantial economic impact and that is not identical to a federal regulation that the agency is required to adopt, the agency must obtain a fiscal note for the proposed rule change from the Office of State Budget and Management or prepare a fiscal note for the proposed rule change and have the note approved by that Office. If an agency requests the Office of State Budget and Management to prepare a fiscal note for a proposed rule change, that Office must prepare the note within 90 days after receiving a written request for the note. If the Office of State Budget and Management fails to prepare a fiscal note within this time period, the agency proposing the rule change may prepare a fiscal note. A fiscal note prepared in this circumstance does not require approval of the Office of State Budget and Management.

If an agency prepares the required fiscal note, the agency must submit the note to the Office of State Budget and Management for review. The Office of State Budget and Management must review the fiscal note within 14 days after it is submitted and either approve the note or inform the agency in writing of the reasons why it does not approve the fiscal note. After addressing these reasons, the agency may submit the revised fiscal note to that Office for its review. If an agency is not sure whether a proposed rule change would have a substantial economic impact, the agency may ask the Office of State Budget and Management to determine whether the proposed rule change has a substantial economic impact.

As used in this subsection, the term 'substantial economic impact' means an aggregate financial impact on all persons affected of at least five million dollars ($5,000,000) in a 12-month period.

(b2) Content. — A fiscal note required by subsection (b1) of this section must contain the following:

(1) A description of the persons who would be affected by the proposed rule change.

(2) A description of the types of expenditures that persons affected by the proposed rule change would have to make to comply with the rule and an estimate of these expenditures.

(3) A description of the purpose and benefits of the proposed rule change.

(4) An explanation of how the estimate of expenditures was computed."

PROCEDURE FOR ADOPTING A PERMANENT RULE

(c) G.S. 150B-21.1 reads as rewritten:

"§ **150B-21.1. Procedure for adopting a temporary rule.**

(a) Adoption. — An agency may adopt a temporary rule without prior notice or hearing or upon any abbreviated notice or hearing the agency finds practical when it finds that adherence to the notice and hearing requirements of this Part would be contrary to the public interest and that the immediate adoption of the rule is required by one or more of the following:

(1) A serious and unforeseen threat to the public health, safety, or welfare.

(2) The effective date of a recent act of the General Assembly or the United States Congress.

(3) A recent change in federal or State budgetary policy.

(4) A federal regulation.

(5) A court order.

(6) The need for the rule to become effective the same date as the State Medical Facilities Plan approved by the Governor, if the rule addresses a matter included in the State Medical Facilities Plan.

An agency must prepare a written statement of its findings of need for a temporary rule. The statement must be signed by the head of the agency adopting the rule.

~~An agency must begin rule-making proceedings for a permanent rule by the day it adopts a temporary rule. An agency begins rule-making proceedings for a permanent rule by submitting to the Codifier of Rules written notice of its intent to adopt a permanent rule.~~

(b) Review. — When an agency adopts a temporary rule it must submit the ~~rule,~~ rule and the agency's written statement of its findings of the need for the ~~rule, and the notice of intent to adopt a permanent~~ rule to the Codifier of Rules. Within one business day after an agency submits a temporary rule, the Codifier of Rules must review the agency's written statement of findings of need for the rule to determine whether the statement of need meets the criteria listed in subsection (a). In reviewing the statement, the Codifier of Rules may consider any information submitted by the agency or another person. If the Codifier of Rules finds that the statement meets the criteria, the Codifier of Rules must notify the head of the agency and enter the rule in the North Carolina Administrative Code.

If the Codifier of Rules finds that the statement does not meet the criteria, the Codifier of Rules must immediately notify the head of the agency. The agency may supplement its statement of need with additional findings or submit a new statement. If the agency provides additional findings or submits a new statement, the Codifier of Rules must review the additional findings or new statement within one business day after the agency submits the additional findings or new statement. If the Codifier of Rules again finds that the statement does not meet the criteria listed in subsection (a), the Codifier of Rules must immediately notify the head of the agency.

If an agency decides not to provide additional findings or submit a new statement when notified by the Codifier of Rules that the agency's findings of need for a rule do not meet the required criteria, the agency must notify the Codifier of Rules of its decision. The Codifier of Rules must then enter the rule in the North Carolina Administrative Code on the sixth business day after receiving notice of the agency's decision.

(c) Standing. — A person aggrieved by a temporary rule adopted by an agency may file an action for declaratory judgment in Wake County Superior Court pursuant to Article 26 of Chapter 1 of the General Statutes. In the action, the court shall determine whether the agency's written statement of findings of need for the rule meets the criteria listed in subsection (a) and whether the rule meets the standards in G.S. 150B–21.9 that apply to review of a permanent rule. The court ~~may~~ shall not grant an *ex parte* temporary restraining order.

Filing a petition for rule making or a request for a declaratory ruling with the agency that adopted the rule is not a prerequisite to filing an action under this subsection. A person who files an action for declaratory judgment under this subsection must serve a copy of the complaint on the agency that adopted the rule being contested, the Codifier of Rules, and the Commission.

(d) Effective Date and Expiration. — A temporary rule becomes effective on the date specified in G.S. 150B–21.3. A temporary rule expires on the earliest of the following dates:

(1) The date specified in the ~~rule or 180 days from the date the rule becomes effective, whichever comes first.~~ rule.

(2) The effective date of the permanent rule adopted to replace the temporary rule, if the Commission approves the permanent rule.

(3) The date the Commission returns to an agency a permanent rule the agency adopted to replace the temporary rule, if the Commission objects to the permanent rule.

(e) Publication. — When the Codifier of Rules enters a temporary rule in the North Carolina Administrative Code, the Codifier must publish the rule in the North Carolina Register. Publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings for a permanent rule that does not differ substantially from the published temporary rule."

(d) G.S. 150B–21.2 reads as rewritten:

"**§ 150B–21.2. Procedure for adopting a permanent rule.**

(a) Steps. — Before an agency adopts a permanent rule, it must take the following actions:

(1) Publish a notice of rule-making proceedings in the North Carolina Register, unless the proposed rule is substantially the same as a temporary rule published in the North Carolina Register.

(2) When required by G.S. 150B-21.4, prepare or obtain a fiscal note for the proposed rule.

(3) Publish the text of the proposed rule in the North Carolina Register.

(4) When required by subsection (e) of this section, hold a public hearing on the proposed rule after publication of the proposed text of the rule.

(5) Accept oral or written comments on the proposed rule as required by subsection (f) of this section.

~~Notice. — Before an agency adopts a permanent rule, it must publish notice of its intent to adopt a permanent rule in the North Carolina Register and as required by any other law. The notice published in the North Carolina Register must include all of the following:~~

~~(1) Either the text of the proposed rule or a statement of the subject matter of the proposed rule making.~~

~~(2) A short explanation of the reason for the proposed action.~~

~~(3) A citation to the law that gives the agency the authority to adopt the proposed rule, if the notice includes the text of the proposed rule, or a citation to the law that gives the agency the authority to adopt a rule on the subject matter of the proposed rule making, if the notice includes only a statement of the subject matter of the proposed rule making.~~

~~(4) The proposed effective date of the proposed rule, if the notice includes the text of the proposed rule, or the proposed effective date of a rule adopted on the subject matter of the proposed rule making, if the notice includes only a statement of the subject matter of the proposed rule making.~~

~~(5) The date, time, and place of any public hearing scheduled on the proposed rule or subject matter of the proposed rule making.~~

~~(6) Instructions on how a person may demand a public hearing on a proposed rule if the notice does not schedule a public hearing on the proposed rule and subsection (c) requires the agency to hold a public hearing on the proposed rule when requested to do so.~~

~~(7) The period of time during which and the person to whom written comments may be submitted on the proposed rule or subject matter of the proposed rule making.~~

~~(8) If a fiscal note has been prepared for the proposed rule or will be prepared when a rule is proposed on the subject matter of the proposed rule making, a statement that a copy of the fiscal note can be obtained from the agency.~~

(b) Notice of Rule-Making Proceedings. — A notice of rule-making proceedings published in the North Carolina Register must include all of the following:

(1) A statement of the subject matter of the proposed rule making.

(2) A short explanation of the reason for the proposed action.

(3) A citation to the law that gives the agency the authority to adopt a rule on the subject matter of the proposed rule making.

(4) The person to whom questions or written comments may be submitted on the subject matter of the proposed rule making.

Publication in the North Carolina Register of an agency's rule-making agenda satisfies the requirements of this subsection if the agenda includes the information required by this subsection.

(c) Text After Notice of Rule-Making Proceedings. — A notice of the proposed text of a rule must include all of the following:

(1) The text of the proposed rule.
(2) A short explanation of the reason for the proposed rule.
(3) A citation to the law that gives the agency the authority to adopt the rule.
(4) The proposed effective date of the rule.
(5) The date, time, and place of any public hearing scheduled on the rule.
(6) Instructions on how a person may demand a public hearing on a proposed rule if the notice does not schedule a public hearing on the proposed rule and subsection (e) of this section requires the agency to hold a public hearing on the proposed rule when requested to do so.
(7) The period of time during which and the person to whom written comments may be submitted on the proposed rule.
(8) If a fiscal note has been prepared for the rule, a statement that a copy of the fiscal note can be obtained from the agency.

An agency shall not publish the proposed text of a rule until at least 60 days after the date the notice of rule-making proceedings for the proposed rule was published in the North Carolina Register.

~~(b)~~ (d) Mailing List. — An agency must maintain a mailing list of persons who have requested notice of rule making. When an agency publishes a rule-making notice in the North Carolina ~~Register,~~ Register a notice of rule-making proceedings or the text of a proposed rule, it must mail a copy of the notice or text to each person on the mailing list who has requested notice of rule-making proceedings on the ~~rule or the~~ subject matter ~~for rule making~~ described in the ~~notice.~~ notice or the rule affected. An agency may charge an annual fee to each person on the agency's mailing list to cover copying and mailing costs.

~~(c)~~ (e) Hearing. — An agency must hold a public hearing on a rule it proposes to adopt ~~in two circumstances and may hold a public hearing in other circumstances. When an agency is required to hold a public hearing on a proposed rule or decides to hold a public hearing on a proposed rule when it is not required to do so, the agency must publish in the North Carolina Register a notice of the date, time, and place of the public hearing. The hearing date of a public hearing held after the agency publishes notice of the hearing in the North Carolina Register must be at least 15 days after the date the notice is published.~~

~~An agency must hold a public hearing on a rule it proposes to adopt in the following two circumstances:~~

~~(1) The agency publishes a statement of the subject matter of the proposed rule making in the notice in the North Carolina Register.~~

~~(2)~~ ~~The~~ if the agency publishes the text of the proposed rule ~~in the notice~~ in the North Carolina Register and all the following apply:

~~a.~~ (1) The notice of rule-making proceedings does not schedule a public hearing on the proposed rule.

~~b.~~ (2) ~~Within 15 days after the notice is published, the~~ The agency receives a written request for a public hearing on the proposed

~~rule.~~ rule within 15 days after the notice of rule-making proceedings is published.

~~c. The proposed rule is not part of a rule-making proceeding the agency initiated by publishing a statement of the subject matter of proposed rule making.~~

~~d.~~ (3) The proposed text is not a changed version of proposed text the agency previously published in the course of rule-making proceedings but did not adopt.

An agency may hold a public hearing on a proposed rule in other circumstances. When an agency is required to hold a public hearing on a proposed rule or decides to hold a public hearing on a proposed rule when it is not required to do so, the agency must publish in the North Carolina Register a notice of the date, time, and place of the public hearing. The hearing date of a public hearing held after the agency publishes notice of the hearing in the North Carolina Register must be at least 15 days after the date the notice is published.

~~(d) Text After Subject-Matter Notice. — When an agency publishes notice of the subject matter of proposed rule making in the North Carolina Register, it must subsequently publish in the North Carolina Register the text of the rule it proposes to adopt as a result of the public hearing and of any comments received on the subject matter. An agency may not publish the proposed text of a rule for which it published a subject-matter notice before the public hearing on the subject matter.~~

~~(e)~~ (f) Comments. — An agency must accept comments on a notice of proposed rule-making proceedings published in the North Carolina Register until the text of the proposed rule that results from the notice is published. An agency must accept comments on the text of a proposed rule that is published in the North Carolina Register and that requires a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after the text is published or until the date of any public hearing held on the proposed rule, whichever is longer. An agency must accept comments on the text of ~~a~~ any other proposed rule published in the North Carolina Register for at least 30 days after the text is published or until the date of any public hearing held on the proposed rule, whichever is longer. ~~An agency must accept comments on a statement of the subject matter of proposed rule making until the public hearing on the subject matter.~~ An agency must consider fully all written and oral comments received.

~~(f)~~ (g) Adoption. — An agency ~~may~~ shall not adopt a rule until the time for commenting on the proposed text of the rule has elapsed and ~~may~~ shall not adopt a rule if more than 12 months have elapsed since the end of the time for commenting on the proposed text of the rule. An agency ~~may~~ shall not adopt a rule that differs substantially from the text of a proposed rule published in the North Carolina Register unless the agency publishes the text of the proposed different rule in the North Carolina Register and accepts comments on the proposed different rule for the time set in subsection ~~(e)~~. (f) of this section.

An adopted rule differs substantially from a proposed rule if it does one or more of the following:

(1) Affects the interests of persons who, based on either the notice ~~published in the North Carolina Register~~ of rule-making proceedings or the proposed text of the ~~rule,~~ rule published in the North Carolina

Register, could not reasonably have determined that the rule would affect their interests.

(2) Addresses a subject matter or an issue that is not addressed in the proposed text of the rule.

(3) Produces an effect that could not reasonably have been expected based on the proposed text of the rule.

When an agency adopts a rule, it ~~may~~ shall not take subsequent action on the rule without following the procedures in this Part.

~~(g)~~ (h) Explanation. — An agency must issue a concise written statement explaining why the agency adopted a rule if, within 30 days after the agency adopts the rule, a person asks the agency to do so. The explanation must state the principal reasons for and against adopting the rule and must discuss why the agency rejected any arguments made or considerations urged against the adoption of the rule.

~~(h)~~ (i) Record. — An agency must keep a record of a rule-making proceeding. The record must include all written comments received, a transcript or recording of any public hearing held on the rule, and any written explanation made by the agency for adopting the rule."

RULES REVIEW COMMISSION ROLE STRENGTHENED

(e) G.S. 150B-21.3 reads as rewritten:

"§ **150B-21.3. Effective date of rules.**

(a) Temporary Rule. — A temporary rule becomes effective on the date the Codifier of Rules enters the rule in the North Carolina Administrative Code.

(b) Permanent Rule. — A permanent rule approved by the Commission becomes effective ~~five business days after the Commission delivers the rule to the Codifier of Rules, unless the agency adopting the rule specifies a later effective date. If the agency specifies a later effective date, the rule becomes effective on that date.~~ on the thirty-first legislative day of the next regular session of the General Assembly that begins at least 25 days after the date the Commission approved the rule, unless a later effective date applies under this subsection. If a bill that specifically disapproves the rule is introduced in either house of the General Assembly before the thirty-first legislative day of that session, the rule becomes effective on the earlier of either the day an unfavorable final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the rule. If the agency adopting the rule specifies a later effective date than the date that would otherwise apply under this subsection, the later date applies. A permanent rule that is not approved by the Commission ~~becomes effective five business days after the agency adopting the rule delivers the rule to the Codifier of Rules, unless the agency adopting the rule specifies a later effective date. If the agency specifies a later effective date, the rule becomes effective on that date.~~ or that is specifically disapproved by a bill ratified by the General Assembly before it becomes effective does not become effective.

A bill specifically disapproves a rule if it contains a provision that refers to the rule by appropriate North Carolina Administrative Code citation and states that the rule is disapproved. Notwithstanding any rule of either house of the General Assembly, any member of the General Assembly may introduce a bill during the first 30 legislative days of any regular session to disapprove a rule that has been

approved by the Commission and that either has not become effective or has become effective by executive order under subsection (c) of this section.

(c) Executive Order Exception. — The Governor may, by executive order, make effective a permanent rule that has been approved by the Commission and has not become effective under subsection (b) of this section upon finding that it is necessary that the rule become effective in order to protect public health, safety, or welfare. A rule made effective by executive order becomes effective on the date the order is issued or at a later date specified in the order. When the Codifier of Rules enters in the North Carolina Administrative Code a rule made effective by executive order, the entry must reflect this action.

A rule that is made effective by executive order remains in effect unless it is specifically disapproved by the General Assembly in a bill ratified on or before the day of adjournment of the regular session of the General Assembly that begins at least 25 days after the date the executive order is issued. A rule that is made effective by executive order and that is specifically disapproved by a bill ratified by the General Assembly is repealed as of the date specified in the bill. If a rule that is made effective by executive order is not specifically disapproved by a bill ratified by the General Assembly within the time set by this subsection, the Codifier of Rules must note this in the North Carolina Administrative Code.

(d) Legislative Day and Day of Adjournment. — As used in this section:

(1) A 'legislative day' is a day on which either house of the General Assembly convenes in regular session.

(2) The 'day of adjournment' of a regular session held in an odd-numbered year is the day the General Assembly adjourns by joint resolution for more than 10 days.

(3) The 'day of adjournment' of a regular session held in an even-numbered year is the day the General Assembly adjourns *sine die*.

(c) (e) OSHA Standard. — A permanent rule concerning an occupational safety and health standard that is adopted by the Occupational Safety and Health Division of the Department of Labor and is identical to a federal regulation promulgated by the Secretary of the United States Department of Labor becomes effective on the date the Division delivers the rule to the Codifier of Rules, unless the Division specifies a later effective date. If the Division specifies a later effective date, the rule becomes effective on that date."

(f) G.S. 150B-21.9(a) reads as rewritten:

"(a) Standards. — The Commission must determine whether a rule meets all of the following criteria:

(1) It is within the authority delegated to the agency by the General Assembly.

(2) It is clear and unambiguous.

(3) It is reasonably necessary to fulfill a duty delegated to the agency by the General ~~Assembly.~~ Assembly, when considered in light of the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed and the legislative intent of the General Assembly in delegating the duty.

The Commission may determine if a rule submitted to it was adopted in accordance with Part 2 of this Article. The Commission may ask the Office of State Budget and Management to determine if a rule has a substantial economic impact and is therefore required to have a fiscal note. The Commission must ask the

Office of State Budget and Management to make this determination if a fiscal note was not prepared for a rule and the Commission receives a written request for a determination of whether the rule has a substantial economic impact.

The Commission must notify the agency that adopted the rule if it determines that a rule was not adopted in accordance with Part 2 of this Article and must return the rule to the agency. Entry of a rule in the North Carolina Administrative Code after review by the Commission is conclusive evidence that the rule was adopted in accordance with Part 2 of this Article."

(g) G.S. 150B-21.11, as amended by Section 4 of Chapter 415 of the 1995 Session Laws, reads as rewritten:

"**§ 150B-21.11. Procedure when Commission approves permanent rule.**

~~(a)~~ When the Commission approves a permanent rule, it must notify the agency that adopted the rule of the Commission's ~~approval and must~~ approval, deliver the approved rule to the Codifier of Rules. Rules, and include the text of the approved rule and a summary of the rule in its next report to the Joint Legislative Administrative Procedure Oversight Committee. ~~The Commission must deliver an approved rule by the end of the month in which the Commission approved the rule, unless the agency asks the Commission to delay the delivery of the rule.~~

~~(b) When the Commission approves a permanent rule that would~~ If the approved rule will increase or decrease expenditures or revenues of a unit of local government, the Commission shall must also notify the Governor of the Commission's approval of the rule and deliver a copy of the approved rule to the Governor by the end of the month in which the Commission approved the rule."

(h) G.S. 150B-21.12 reads as rewritten:

"**§ 150B-21.12. Procedure when Commission objects to a permanent rule.**

(a) Action. — When the Commission objects to a permanent rule, it must send the agency that adopted the rule a written statement of the objection and the reason for the objection. The agency that adopted the rule must take one of the following actions:

(1) Change the rule to satisfy the Commission's objection and submit the revised rule to the Commission.

(2) Submit a written response to the Commission indicating that the agency has decided not to change the rule.

(b) Time Limit. — An agency that is not a board or commission must take one of ~~these~~ the actions listed in subsection (a) of this section within 30 days after receiving the Commission's statement of objection. A board or commission must take one of these actions within 30 days after receiving the Commission's statement of objection or within 10 days after the board or commission's next regularly scheduled meeting, whichever comes later.

(c) Changes. — When an agency changes a rule in response to an objection by the Commission, the Commission must determine whether the change satisfies the Commission's objection. If it does, the Commission must approve the rule. If it does not, the Commission must send the agency a written statement of the Commission's continued objection and the reason for the continued objection.

(d) Return of Rule. — A rule to which the Commission has objected remains under review by the Commission until the agency that adopted the rule decides not to satisfy the Commission's objection and makes a written request to the Commission to return the rule to the agency. When the Commission returns a rule to which it has objected, it ~~may send to the President of the Senate and each member~~

~~of the General Assembly a report of its objection to the rule.~~ must notify the Codifier of Rules of its action and must send a copy of the record of the Commission's review of the rule to the Joint Legislative Administrative Procedure Oversight Committee in its next report to that Committee. If the rule that is returned would have increased or decreased expenditures or revenues of a unit of local government, the Commission must also notify the Governor of its action and must send a copy of the record of the Commission's review of the rule to the Governor. The record of review consists of the rule, the Commission's letter of objection to the rule, the agency's written response to the Commission's letter, and any other relevant documents before the Commission when it decided to object to the rule.

~~(b) Entry In Code. — When the Commission returns a rule to which it has objected to the agency that adopted the rule, the Commission must notify the Codifier of Rules of its action and of the basis of the Commission's objection. An agency whose rule is returned may file the rule with the Codifier of Rules. When the Codifier of Rules enters in the North Carolina Administrative Code a rule to which the Commission objected, the entry must reflect the Commission's objection and must state the standard on which the Commission based its objection.~~"

(i) G.S. 150B–21.15 is repealed. This subsection does not abate any action or appeal brought under G.S. 150B–21.15 prior to the effective date of this section.

RULES REVIEW COMMISSION'S MONTHLY REPORT TO JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE

(j) Part 3 of Article 2B of Chapter 150B of the General Statutes is amended by adding a new section to read:

"**§ 150B–21.16. Report to Joint Legislative Administrative Procedure Oversight Committee.**

The Commission must make monthly reports to the Joint Legislative Administrative Procedure Oversight Committee. The reports are due by the last day of the month. A report must include the rules approved by the Commission at its meeting held in the month in which the report is due and the rules the Commission returned to agencies during that month after the Commission objected to the rule. A report must include any other information requested by the Joint Legislative Administrative Procedure Oversight Committee. When the Commission sends a report to the Joint Legislative Administrative Procedure Oversight Committee, the Commission must send a copy of the report to the Codifier of Rules."

PUBLISHING AND CODIFYING OF RULES

(k) G.S. 150B–21.17(a) reads as rewritten:

"(a) Content. — The Codifier of Rules must publish the North Carolina Register. The North Carolina Register must be published at least two times a month and must contain the following:

(1) Temporary rules entered in the North Carolina Administrative Code.

~~(1)~~ (1a) Notices of ~~proposed adoptions~~ rule-making proceedings, the text of proposed ~~rules.~~ rules, and the text of permanent rules approved by the Commission.

(2) Notices of receipt of a petition for municipal incorporation, as required by G.S. 120–165.

(3) Executive orders of the Governor.

(4) Final decision letters from the United States Attorney General concerning changes in laws that affect voting in a jurisdiction subject to section 5 of the Voting Rights Act of 1965, as required by G.S. 120–30.9H.

(5) Orders of the Tax Review Board issued under G.S. 105–241.2.

(6) Other information the Codifier determines to be helpful to the public."

(l) G.S. 150B–21.19 reads as rewritten:

"**§ 150B–21.19. Requirements for including rule in Code.**

To be acceptable for inclusion in the North Carolina Administrative Code, a rule must:

(1) Cite the law under which the rule is adopted.

(2) Be signed by the head of the agency or the rule-making coordinator for the agency that adopted the rule.

(3) Be in the physical form specified by the Codifier of Rules.

(4) Have been ~~reviewed~~ approved by the Commission, if the rule is a permanent rule."

CHANGES IN EXEMPTIONS FROM RULE MAKING

(m) G.S. 150B–1(d) reads as rewritten:

"(d) Exemptions from Rule Making. — Article 2A of this Chapter does not apply to the following:

(1) The Commission.

(2) The North Carolina Low-Level Radioactive Waste Management Authority in administering the provisions of G.S. 104G–10 and G.S. 104G–11.

(3) The North Carolina Hazardous Waste Management Commission in administering the provisions of G.S. 130B–13 and G.S. 130B–14.

(4) The Department of Revenue, ~~except that Parts 3 and 4 of Article 2A apply to the Department.~~ with respect to the notice and hearing requirements contained in Part 2 of Article 2A.

(5) The North Carolina Global TransPark Authority with respect to the acquisition, construction, operation, or use, including fees or charges, of any portion of a cargo airport complex.

(6) The Department of Correction, with respect to matters relating solely to persons in its custody or under its supervision, including prisoners, probationers, and parolees."

CONFORMING CHANGES

(n) [Employment Security Commission] G.S. 96–4(b) reads as rewritten:

"(b) Regulations and General and Special Rules. — General and special rules may be adopted, amended, or rescinded by the Commission only after public hearing or opportunity to be heard thereon, of which proper notice has been given by mail to the last known address in cases of special rules, or by publication as herein provided, and by one publication as herein provided as to general rules. The Commission shall not take final action on a general or special rule that has a substantial economic impact, as defined in G.S. 150B–21.4(b1), until 60 days after the Office of State Budget and Management has prepared a fiscal note for the rule. General rules shall become effective 10 days after filing with the Secretary of State and publication in one or more newspapers of general circulation in this State. Special rules shall become effective 10 days after notification to or mailing

to the last known address of the individuals or concerns affected thereby. Before the adoption, amendment, or repeal of any permanent regulation, the Commission shall publish notice of the public hearing and offer any person an opportunity to present data, opinions, and arguments. The notice shall be published in one or more newspapers of general circulation in this State at least 10 days before the public hearing and at least 20 days prior to the proposed effective date of the proposed permanent regulation. The published notice of public hearing shall include the time and place of the public hearing; a statement of the manner in which data, opinions, and arguments may be submitted to or before the Commission; a statement of the terms or substance of the proposed regulation; a statement of whether a fiscal note has been or will be prepared for the proposed regulation; and the proposed effective date of the regulation. Any permanent regulation adopted after following the above procedure shall become effective on its effective date and after it is published in the manner provided for in subsection (c) as well as such additional publication as the Commission deems appropriate. Additionally, the Commission shall provide notice of adoption by mail to the last known addresses of all persons who submitted data, opinions, or arguments to the Commission with respect to the regulation. Temporary regulations may be adopted, amended, or rescinded by the Commission and shall become effective in the manner and at the time prescribed by the Commission but shall remain in force for no longer than 120 days."

(o) [Industrial Commission] G.S. 97–80(a) reads as rewritten:

"(a) The Commission may make rules, not inconsistent with this Article, for carrying out the provisions of this Article. The Commission shall request the Office of State Budget and Management to prepare a fiscal note for a proposed new or amended rule that has a substantial economic impact, as defined in G.S. 150B–21.4(b1). The Commission shall not take final action on a proposed rule change that has a substantial economic impact until at least 60 days after the fiscal note has been prepared.

Processes, procedure, and discovery under this Article shall be as summary and simple as reasonably may be."

(p) [Department of Revenue] G.S. 105–262 reads as rewritten:

"§ **105–262. Rules.**

(a) The Secretary of Revenue may adopt rules needed to administer a tax collected by the Secretary or to fulfill another duty delegated to the Secretary. The Tax Review Board shall review a new rule or a change to a rule before it is filed in the North Carolina Administrative Code.

(b) The Secretary must ask the Office of State Budget and Management to prepare a fiscal note for a proposed new rule or a proposed change to a rule that has a substantial economic impact, as defined in G.S. 150B–21.4(b1). The Secretary shall not take final action on a proposed rule change that has a substantial economic impact until at least 60 days after the fiscal note has been prepared."

(q) G.S.143–214.7(c) reads as rewritten:

"(c) ~~The Commission shall hold public hearings in accordance with Article 2 of Chapter 150B. Prior to implementation of the rules, the Administrative Rules Review Commission shall review the rule pursuant to G.S. 143B–30.2 to determine whether the rule:~~

~~(1) Is within the authority delegated to the agency by the General Assembly;~~

~~(2) Is clear and unambiguous;~~

~~(3) Is reasonably necessary to enable the administrative agency to perform a function assigned to it by statute or to enable or facilitate the implementation of a program or policy in aid of which the rule was adopted.~~

Chapter 150B of the General Statutes governs adoption of rules by the Commission."

(r) [Building Code Council] G.S. 143–138(a) reads as rewritten:

"(a) Preparation and Adoption. — The Building Code Council is hereby empowered to prepare and adopt, in accordance with the provisions of this Article, a North Carolina State Building Code. Prior to the adoption of this Code, or any part thereof, the Council shall hold at least one public hearing. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in Raleigh, said notice to be published the first time not less than 15 days prior to the date fixed for said hearing. The Council may hold such other public hearings and give such other notice as it may deem necessary.

The Council shall request the Office of State Budget and Management to prepare a fiscal note for a proposed Code change that has a substantial economic impact, as defined in G.S. 150B–21.4(b1). The Council shall not take final action on a proposed Code change that has a substantial economic impact until at least 60 days after the fiscal note has been prepared."

(s) G.S. 143–215(c), 143–215(d), 143–215.107(f), and 143–215.107(g) are repealed.

(t) Notwithstanding G.S. 120–70.100(b), as enacted by subsection (a) of this section, the terms of initial members of the Joint Legislative Administrative Procedure Oversight Committee shall begin upon appointment and shall end on January 15, 1997.

(u) G.S. 148–11 reads as rewritten:

"**§ 148–11. Authority to adopt rules.**

The Secretary shall adopt rules for the government of the State prison system. ~~Chapter 150B of the General Statutes governs the adoption of rules by the Secretary.~~ The Secretary shall have the rules that pertain to enforcing discipline read to every prisoner when received in the State prison system and a printed copy of these rules made available to the prisoners."

(v) G.S. 150B–21(b)(5), as enacted by Section 1 of Chapter 415 of the 1995 Session Laws, reads as rewritten:

"(5) Providing the North Carolina Association of County Commissioners and the North Carolina League of Municipalities with copies of all fiscal notes required by G.S. 150B–21.4(b), prior to ~~the~~ publication ~~of proposed rules~~ in the North Carolina ~~Register.~~ Register of the proposed text of a permanent rule change."

(w) G.S. 150B–21.26, as enacted by Section 3 of Chapter 415 of the 1995 Session Laws, reads as rewritten:

"**§ 150B–21.26. Governor to conduct preliminary review of certain administrative rules.**

(a) Preliminary Review. — ~~Before~~ At least 30 days before an agency ~~adopts a~~ publishes in the North Carolina Register the proposed text of a permanent rule change that would affect the expenditures or revenues of a unit of local government, ~~and at least 30 days prior to publishing notice of its intent to adopt such~~

~~permanent rule in the North Carolina Register as required by G.S. 150B-21.2, an agency shall~~ the agency must submit ~~the rule~~ all of the following to the Governor for preliminary ~~review.~~ review:

~~(b) Submission. — To facilitate the Governor's preliminary review of a permanent rule as required by subsection (a) of this section, the agency shall submit to the Governor the following:~~

(1) ~~Either the~~ The text of the proposed rule ~~or a statement of the subject matter of the proposed rule.~~ change.

(2) A short explanation of the reason for the proposed ~~action.~~ change.

(3) A fiscal note stating the amount by which the proposed rule change would increase or decrease expenditures or revenues of a unit of local government and explaining how the amount was computed.

~~(c)~~ (b) Scope. — The Governor's preliminary review of a proposed permanent rule change that would affect the expenditures or revenues of a unit of local government shall include consideration of the following:

(1) The agency's explanation of the reason for the proposed ~~action.~~ change.

(2) Any unanticipated effects of the proposed ~~action~~ change on local government budgets.

(3) The potential costs of the proposed ~~action~~ change weighed against the potential risks to the public of not taking the proposed ~~action.~~ change."

(x) G.S. 150B-21.27, as enacted by Section 3 of Chapter 415 of the 1995 Session Laws, reads as rewritten:

"**§ 150B-21.27. Minimizing the effects of rules on local budgets.**

~~(a)~~ In adopting permanent rules that would increase or decrease the ~~expenditure~~ expenditures or revenues of a unit of local government, the agency shall consider the timing for implementation of the proposed rule as part of the preparation of the fiscal note required by G.S. 150B-21.4(b). ~~(b) In cases where~~ If the computation of costs in a fiscal note indicates that the proposed rule ~~action~~ change will disrupt the budget process as set out in the Local Government Budget and Fiscal Control Act, Article 3 of Chapter 159 of the General Statutes, the agency shall ~~establish~~ specify the effective date of the ~~rule or action~~ change as ~~the later of July 1 of the fiscal year following publication of the rule in the North Carolina Register or six months following publication. (c) If conditions beyond the control of an agency compel an agency to adopt rules with other than the July 1 effective date, the agency shall include a statement with the fiscal note explaining the basis for the effective date.~~ the date the change would otherwise become effective under G.S. 150B-21.3."

(y) Section 5 of Chapter 415 of the 1995 Session Laws is repealed.

(z) This section becomes effective December 1, 1995, and applies to all rules for which a notice of rule making is published in the North Carolina Register on or after that date and to rule and Building Code changes that are initiated on or after that date and that are not subject to the rule-making procedures set out in Article 2A of Chapter 150B of the General Statutes.

Requested by: Representatives Justus, Thompson, Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

WESTERN JUSTICE ACADEMY

Sec. 27.9. Of the funds appropriated to the Department of Justice in this

act for the 1995–97 biennium, the sum of one million four hundred seventy thousand dollars ($1,470,000) shall be used for design and planning and the purchase of real property for the Western Justice Academy at a site to be located at Edneyville in Henderson County.

Requested by: Representatives Justus, Thompson, Kiser, Senators Ballance, Rand

CONSOLIDATION OF PRISON FACILITIES/PRISON CONSTRUCTION

Sec. 27.10. (a) In order to continue the recommendations of the Government Performance Audit Committee pertaining to the consolidation of smaller prison units in Western North Carolina into a lesser number of facilities, the Department of Correction shall develop and implement plans to close Avery Correctional Center, Watauga Correctional Center, and Yancey Correctional Center and replace them with a facility to be constructed at a site in Avery and Mitchell Counties.

(b) The Office of State Construction of the Department of Administration may contract for and supervise all aspects of administration, technical assistance, design, construction, or demolition of prison facilities in order to implement the providing of prison facilities under the provisions of this act.

The facilities authorized under this act shall be constructed in accordance with the provisions of general law applicable to the construction of State facilities. If the Secretary of Administration, after consultation with the Secretary of Correction, finds that the delivery of prison facilities must be expedited for good cause, the Office of State Construction of the Department of Administration shall be exempt from the following statutes and rules implementing those statutes, to the extent necessary to expedite delivery: G.S. 143–135.26, 143–128, 143–129, 143–131, 143–132, 143–134, 113A–1 through 113A–10, 113A–50 through 113A–66, 133–1.1(g), and 143–408.1 through 143–408.7.

Prior to exercising the exemptions allowable under this section, the Secretary of Administration shall give reasonable notice in writing of the Department's intent to exercise the exemptions to the Speaker of the House, the President *Pro Tempore* of the Senate, the Chairs of the House and Senate Appropriations Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety, the Chairs of the Joint Legislative Corrections Oversight Committee, and the Fiscal Research Division. The written notice shall contain at least the following information: (i) the specific statutory requirement or requirements from which the Department intends to exempt itself; (ii) the reason the exemption is necessary to expedite delivery of prison facilities; (iii) the way in which the Department anticipates the exemption will expedite the delivery of prison facilities; and (iv) a brief summary of the proposed contract for the project which is to be exempted.

The Office of State Construction of the Department of Administration shall have a verifiable ten percent (10%) goal for participation by minority and women–owned businesses. All contracts for the design, construction, or demolition of prison facilities shall include a penalty for failure to complete the work by a specified date.

The Office of State Construction of the Department of Administration shall involve the Department of Correction in all aspects of the projects to the extent that such involvement relates to the Department's program needs and to its responsibility for the care of the prison population.

(c) The Office of State Construction of the Department of Administration shall provide quarterly reports to the Chairs of the Appropriations Committee and the Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in the House, the Joint Legislative Commission on Governmental Operations, the Chairs of the Joint Legislative Corrections Oversight Committee, and the Fiscal Research Division as to any changes in projects and allocations made under this act. The report shall include any changes in the projects and allocations made pursuant to this act, information on which contractors have been selected, what contracts have been entered into, the projected and actual occupancy dates of facilities contracted for, the number of beds to be constructed on each project, the location of each project, and the projected and actual cost of each project.

The Department of Insurance and the Department of Correction shall report quarterly to the Joint Legislative Commission on Governmental Operations on their involvement in the prison construction program.

Requested by: Senators Ballance, Rand,
Representatives Justus, Thompson, Kiser

MATCHING FUNDS FOR FEDERAL PRISON CONSTRUCTION FUNDS

Sec. 27.10A. Appropriations made in this act to the Office of State Construction of the Department of Administration for construction of new prison beds, excluding the sum of seven million five hundred thousand dollars ($7,500,000) to be used for the design and preliminary site work, are to match federal funds available for prison construction in the 1995 or 1996 federal fiscal year or subsequent federal fiscal years. If the federal match is not made available by January 1, 1996, these State funds shall be made available to the Office of State Construction of the Department of Administration for construction of new prison beds, segregation units, and support buildings and systems as specified in this act.

The Office of State Construction shall report to the Chairs of the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the availability of federal prison construction matching funds.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

UNNEEDED PRISON MATCH FUNDS

Sec. 27.10A1. To the extent that the Director of the Budget determines that State funds appropriated in this act for construction of new prison beds are not needed to match federal funds for the 1995–97 fiscal biennium, the Director of the Budget may transfer the following amounts from these funds for the following purposes only:

(1) Up to $15,000,000 to the Department of Human Resources for compliance with court orders in the Willie M. and Thomas S. lawsuits;
(2) Up to $2,000,000 to the Department of Human Resources as a State match for federal funds for the implementation of the Electronic Benefits Program for food stamps only;
(3) Up to $6,000,000 to the Department of Environment, health, and Natural Resources for water and sewer demonstration projects.

(4) Up to $3,277,000 to the Department of Transportation as a State match for federal funds for the North Carolina Global TransPark Education and Training Center;
(5) Up to $1,000,000 to the Department of Commerce for the Economic Development Information System;
(6) Up to $3,000,000 to the Department of Commerce for the Industrial Recruitment Competitive Fund;
(7) Up to $6,000,000 to the Department of Justice for the construction of the SBI Operations Building;
(8) Funds for a portion of the nonfederal match for the beach renourishment projects at Kure Beach and Long Beach;
(9) Up to $5,000,000 to the Department of Human Resources as a State match for federal funds for the implementation of the North Carolina Access Network (NC CAN) program; and
(10) Any remaining funds, up to $50,000,000 for the Reserve for Education Purposes in the Office of State Budget and Management.

The Director of the Budget shall give priority to these purposes in the order in which they appear in this section.

The Office of State Budget and Management shall report the receipt of federal matching funds for new State prison construction for the 1995–96 fiscal year to the Joint Legislative Commission on Governmental Operations and shall report its proposed transfers, if any, in accordance with the priorities required by this section.

Requested by: Senator Ballance

REVERSION OF CERTAIN INSURANCE SETTLEMENT PROCEEDS

Sec. 27.10B. Section 22(b) of Chapter 324 of the 1995 Session Laws reads as rewritten:

"(b) Any funds received by the Department of Justice in settlement of insurance claims arising from damage to the Blue Bell building at the North Carolina Justice Academy shall be expended by the Department for replacement of the building and for no other purpose. ~~If any appropriation is made to the Department for replacement of the Blue Bell Building, then any~~ Any funds received by the Department in excess of one million one hundred thousand dollars ($1,100,000) as insurance settlement proceeds shall revert to the General Fund."

Requested by: Representatives Holmes, Creech, Esposito, Gardner, Hayes, Nye, Senators Plyler, Perdue, Odom, Martin of Guilford, Forrester

REALLOCATION AND RENOVATION OF FACILITY FOR A JUVENILE DETENTION CENTER

Sec. 27.11C. The Richmond Correctional Center is reallocated from the Department of Correction to the Department of Human Resources. Funds in the Reserve for Repairs and Renovations for the 1995–96 fiscal year may be allocated to the Department of Human Resources to repair and renovate the facility to serve as a detention center for juveniles bound over to Superior Court and awaiting trial as adults.

Requested by: Representatives Mitchell, Weatherly, Senator Martin of Pitt

WATER RESOURCES DEVELOPMENT PROJECTS FUNDS

Sec. 27.12. (a) Of the funds appropriated in this act to the Department

of Environment, Health, and Natural Resources for the 1995–96 fiscal year, the sum of one million eight hundred sixty–five thousand dollars ($1,865,000) shall be used for water resources development projects and the sum of two hundred thousand dollars ($200,000) shall be used for small watershed projects. The Department shall allocate funds for the following projects whose estimated costs are as indicated:

(1)	Wilmington Harbor Deepening Study	$374,000
(2)	Jordan Lake Water Supply Repayment	130,000
(3)	Wilmington Harbor 38–ft. Navigation Maintenance Dredging	500,000
(4)	Aquatic Plant Control (Statewide) includes Lake Gaston	150,000
(5)	Rollinson Channel Maintenance, Dare County	160,000
(6)	Wilmington Harbor Channel Widening	72,000
(7)	State–Local Projects	199,000
(8)	Repayment to New Hanover County Spoil Disposal Area	130,000
(9)	Dare County Beaches Feasibility Study	100,000
(10)	Planning Assistance to Communities	50,000
(11)	Limestone Creek Watershed Project Duplin County	40,000
(12)	Deep Creek Watershed Project Yadkin County	160,000
Total		$2,065,000

(b) Where the actual costs are different from the estimated costs under subsection (a) of this section, the Department may adjust the allocations among projects as needed. If any projects listed in subsection (a) of this section are delayed and the budgeted State funds cannot be used during the 1995–96 fiscal year, or if the projects listed in subsection (a) of this section are accomplished at a lower cost, the Department may use the resulting fund availability to fund any of the following:

(1) Corps of Engineers project feasibility studies.
(2) Corps of Engineers projects whose schedules have advanced and require State matching funds in fiscal year 1995–96.
(3) State–local Water Resources Development Projects.
(4) Soil Conservation Projects whose schedules have advanced and require State matching funds in fiscal year 1995–96.

Funds not expended or encumbered for these purposes shall revert to the General Fund at the end of the 1996–97 fiscal year.

(c) The Department shall make quarterly reports on the use of these funds to the Joint Legislative Commission on Governmental Operations, the Fiscal Research Division, and the Office of State Budget and Management. Each report shall include all of the following:

(1) All projects listed in this section.
(2) The estimated cost of each project.
(3) The date that work on each project began or is expected to begin.

(4) The date that work on each project was completed or is expected to be completed.

(5) The actual cost of each project.

The quarterly reports shall also show those projects advanced in schedule, those projects delayed in schedule, and an estimate of the amount of funds expected to revert to the General Fund.

Requested by: Senators Martin of Pitt, Plyler, Perdue, Odom, Representatives Holmes, Creech, Esposito

STATE PARKS CAPITAL

Sec. 27.13. Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the 1995–96 fiscal year for capital improvements and land acquisition in the State Parks System, no more than three percent (3%) may be used by the Department for operating expenses associated with managing capital improvements projects and acquiring land.

Requested by: Senators Plyler, Perdue, Odom, Representatives Holmes, Creech, Esposito

REPAIRS AND RENOVATIONS OF STATE PARK FACILITIES

Sec. 27.13A. Funds in the amount of ten million dollars ($10,000,000) appropriated in this act for the State Parks System may be used for repairs and renovations of State park facilities. Funds allocated in Section 5.3 of Chapter 324 of the 1995 Session Laws to the Office of State Budget and Management for the Repairs and Renovations Fund shall not be used for such purposes.

Requested by: Senator Martin of Pitt

REPAIRS AND RENOVATIONS FUNDS FOR REPAIR OF UNSAFE BUILDINGS

Sec. 27.14. Notwithstanding any other provision of law, funds in the Reserve for Repairs and Renovations for the 1995–96 fiscal year may be allocated to the Department of Agriculture to repair any structure that the Department of Insurance declares is in violation of the State Building Code and is unsafe to the extent that occupancy may be denied.

Requested by: Senator Sherron

UNC SELF-LIQUIDATING PROJECTS AUTHORIZED

Sec. 27.15. (a) The purpose of this section is to authorize the construction by certain constituent institutions of The University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, of the capital improvements projects listed in the act for the respective institutions, and authorize the financing of these projects with funds available to the institutions from gifts, grants, receipts, including patient receipts at the University of North Carolina Hospitals at Chapel Hill, self-liquidating indebtedness, or other funds, or any combination of these funds, but not including funds appropriated from the General Fund of the State.

(b) The capital improvements projects authorized by this section to be constructed and financed as provided in subsection (a) of this section are as follows:

1. Appalachian State University	
Improvements to Student Residence Facilities	$ 3,697,600
2. East Carolina University	
Dowdy–Ficklen Stadium Expansion	$11,183,800

	Renovations and Addition to the Student Health Center	$ 3,048,800
	Removal of Architectural Barriers	$13,805,300
3.	North Carolina A & T State University	
	Student Union Renovation and Addition	$ 4,395,000
4.	North Carolina Central University	
	Renovation of Track and Football Stadium	$ 2,835,000
5.	North Carolina State University	
	Partners' II Building	$ 8,077,500
	Partners' III Building (Engineering Corporate Building)	$10,311,700
	Student Health Services Center	$ 7,104,500
6.	The University of North Carolina at Asheville	
	180–Bed Residence Hall	$ 3,750,600
7.	The University of North Carolina at Chapel Hill	
	Addition to the Biological Sciences Research Center Building	$ 9,374,000
	Residence Hall Video Network and Communications Wiring	$ 4,000,500
	Printing Services Center	$ 2,083,100
8.	The University of North Carolina at Charlotte	
	1000 Space Parking Deck	$ 7,525,200
	Cameron Applied Research Center	$ 4,876,100
9.	The University of North Carolina at Greensboro	
	Baseball Stadium	$ 3,759,100
10.	The University of North Carolina at Wilmington	
	200 Student Residence Hall	$ 5,942,700
	Campus Recreation Facility	$10,484,500
11.	Western Carolina University	
	Renovation of Hinds University Center	$ 4,250,000
12.	The University of North Carolina Hospitals at Chapel Hill	
	North Carolina Children's Hospital, North Carolina Women's Hospital and Support Services – Phase II	$59,970,800.

(c) At the request of The University of North Carolina Board of Governors and upon determining that it is in the best interest of the State to do so, the Director of the Budget may authorize an increase or decrease in the scope of or a change in the method of funding the project authorized by this section. In making a determination of whether to authorize a change in scope or funding, the Director of the Budget may consult with the Advisory Budget Commission. In no event may appropriations from the General Fund be used for a project authorized by this section.

Sec. 27.16. (a) The purpose of this section is to amend Section 2 of the 1993 Session Laws, Chapter 451, as it relates to the University of North Carolina at Greensboro by increasing the amount authorized for the McIver Street Parking Deck from five million seven hundred eight thousand six hundred dollars ($5,708,600) to eight million forty-one thousand four hundred dollars ($8,041,400).

(b) Section 2 of Chapter 451 of the 1993 Session Laws under the institutional subheading "6. The University of North Carolina at Greensboro" as indicated, and affecting only the project listed in this act is amended to read as follows:

"c. McIver Street Parking Deck $8,041,400".

PART 28. GENERAL CAPITAL AND MISCELLANEOUS BUDGET PROVISIONS

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

PROCEDURES FOR DISBURSEMENT

Sec. 28. The appropriations made by the 1995 General Assembly for capital improvements shall be disbursed for the purposes provided by this act. Expenditure of funds shall not be made by any State department, institution, or agency, until an allotment has been approved by the Governor as Director of the Budget. The allotment shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes. Prior to the award of construction contracts for projects to be financed in whole or in part with self-liquidating appropriations, the Director of the Budget shall approve the elements of the method of financing of those projects including the source of funds, interest rate, and liquidation period. Provided, however, that if the Director of the Budget approves the method of financing a project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting.

Where direct capital improvement appropriations include the purpose of furnishing fixed and movable equipment for any project, those funds for equipment shall not be subject to transfer into construction accounts except as authorized by the Director of the Budget. The expenditure of funds for fixed and movable equipment and furnishings shall be reviewed and approved by the Director of the Budget prior to commitment of funds.

Capital improvement projects authorized by the 1995 General Assembly shall be completed, including fixed and movable equipment and furnishings, within the limits of the amounts of the direct or self-liquidating appropriations provided, except as otherwise provided in this act.

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

RESERVE FOR ADVANCE PLANNING

Sec. 28.1. The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on how it intends to spend funds from the Reserve for Advance Planning at least 45 days before it spends the funds.

The Office of State Budget and Management shall also report the results of any project on which it uses funds from the Reserve for Advance Planning to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND

Sec. 28.2. When each capital improvement project appropriated by the 1995 General Assembly, other than those projects under the Board of Governors of The University of North Carolina, is placed under a construction contract, direct appropriations shall be encumbered to include all costs for construction, design, investigation, administration, movable equipment, and a reasonable contingency. Unencumbered direct appropriations remaining in the project budget shall be placed in a project reserve fund credited to the Office of State Budget and Management. Funds in the project reserve may be used for emergency repair and renovation projects at State facilities with the approval of the Director of the Budget. The project reserve fund may be used, at the discretion of the Director of the Budget, to allow for award of contracts where bids exceed appropriated funds, if those projects supplemented were designed within the scope intended by the applicable appropriation or any authorized change in it, and if, in the opinion of the Director of the Budget, all means to award contracts within the appropriation were reasonably attempted. At the discretion of the Director of the Budget, any balances in the project reserve fund shall revert to the original source.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

PROJECT COST INCREASE

Sec. 28.3. Upon the request of the administration of a State agency, department, or institution, the Director of the Budget may, when in the Director's opinion it is in the best interest of the State to do so, increase the cost of a capital improvement project. Provided, however, that if the Director of the Budget increases the cost of a project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting. The increase may be funded from gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or direct capital improvement appropriations to that department or institution.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

NEW PROJECT AUTHORIZATION

Sec. 28.4. Upon the request of the administration of any State agency, department, or institution, the Governor may authorize the construction of a capital improvement project not specifically authorized by the General Assembly if such project is to be funded by gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or self-liquidating indebtedness. Provided, however, that if the Director of the Budget authorizes the construction of such a capital improvement project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS

Sec. 28.5. Funds that become available by gifts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal or private grants, receipts becoming a part of special funds by act of the General Assembly or any other funds available to a State department or institution may be utilized for advance planning through the working drawing phase of capital improvement projects, upon approval of the Director of the Budget. The Director of the Budget may make allocations from the Advance Planning Fund for advance planning through the working drawing phase of capital improvement projects, except that this revolving fund shall not be utilized by the Board of Governors of The University of North Carolina or the State Board of Community Colleges.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

APPROPRIATIONS LIMITS/REVERSION OR LAPSE

Sec. 28.6. Except as permitted in previous sections of this act, the appropriations for capital improvements made by the 1995 General Assembly may be expended only for specific projects set out by the 1995 General Assembly and for no other purpose. Construction of all capital improvement projects enumerated by the 1995 General Assembly shall be commenced, or self–liquidating indebtedness with respect to them shall be incurred, within 12 months following the first day of the fiscal year in which the funds are available. If construction contracts on those projects have not been awarded or self–liquidating indebtedness has not been incurred within that period, the direct appropriation for those projects shall revert to the original source, and the self–liquidating appropriation shall lapse; except that direct appropriations may be placed in a reserve fund as authorized in this act. This deadline with respect to both direct and self–liquidating appropriations may be extended with the approval of the Director of the Budget up to an additional 12 months if circumstances and conditions warrant such extension.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

EXECUTIVE BUDGET ACT APPLIES

Sec. 28.7. The provisions of the Executive Budget Act, Chapter 143, Article 1 of the General Statutes are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

Requested by: Representatives Holmes, Creech, Esposito,
Senators Plyler, Perdue, Odom

COMMITTEE REPORT

Sec. 28.8. (a) The House and Senate Conference Report on Expansion Budget/Capital Budget, dated July 28, 1995, which was distributed in the Senate and House of Representatives and used to explain this act, shall indicate action by the General Assembly on this act and shall therefore be used to construe this act, as provided in G.S. 143–15 of the Executive Budget Act, and for these purposes shall be considered a part of this act.

(b) The budget enacted by the General Assembly for the maintenance of the various departments, institutions, and other spending agencies of the State for

the 1995–97 fiscal biennium is a line item budget, in accordance with the Budget Code Structure and the State Accounting System Uniform Chart of Accounts set out in the Administrative Policies and Procedures Manual of the Office of the State Controller. This budget includes the appropriations made from all sources including the General Fund, Highway Fund, special funds, cash balances, federal receipts, and departmental receipts.

The General Assembly amended the itemized budget requests submitted to the General Assembly by the Director of the Budget and the Advisory Budget Commission, in accordance with the steps that follow, and the line item detail in the budget enacted by the General Assembly may be derived accordingly:

(1) Negative reserves set out in the submitted budget were deleted and the totals were increased accordingly.

(2) The base budget was adjusted in accordance with the base budget cuts and additions that were set out in the Senate and House Conference Report on the Continuation Budget, dated June 21, 1995.

(3) Transfers of funds supporting programs were made in accordance with the House and Senate Conference Report on the Continuation Budget, dated June 21, 1995.

(4) The expansion budget items were added in accordance with the House and Senate Conference Report on Expansion Budget/Capital Budget, dated July 28, 1995. Some of those expansion budget items were in the budget submitted to the General Assembly by the Director of the Budget and the Advisory Budget Commission.

Expansion budget items that were funded from new receipts are included in the budget enacted by the General Assembly with program–level detail.

The budget enacted by the General Assembly shall also be interpreted in accordance with the special provisions in this act and in accordance with other appropriate legislation.

In the event that there is a conflict between the line item budget certified by the Director of the Budget and the budget enacted by the General Assembly, the budget enacted by the General Assembly shall prevail.

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

MOST TEXT APPLIES ONLY TO 1995–97

Sec. 28.9. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1995–97 fiscal biennium, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1995–97 fiscal biennium.

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

1995–97 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

Sec. 28.10. Except as amended by this act, the provisions of Chapter 284 of the 1995 Session Laws remain in effect.

(b) Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1995–97 fiscal biennium in Chapter 324 of the 1995 Session Laws, that applied to appropriations to particular agencies or for particular purposes apply to

the newly enacted appropriations and budget reductions of this act for those same particular purposes.

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

EFFECT OF HEADINGS

Sec. 28.11. The headings to the titles, parts, and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

SEVERABILITY CLAUSE

Sec. 28.12. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

EFFECTIVE DATE

Sec. 28.13. Except as otherwise provided, this act becomes effective July 1, 1995.

Pursuant to Sec. 28.8, *see Addendum* for the text of the House and Senate Conference Report on Expansion Budget/Capital Budget, dated July 28, 1995.

On motion of Senator Plyler, the Conference Report is adopted (43–2), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Kincaid.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, as follows:

By Senator Perdue for the **Appropriations Committee**:

With unanimous consent, on motion of Senator Perdue, the rules are suspended to the end the bills reported from the **Appropriations Committee** are placed at the end of today's Calendar for consideration upon their passage.

H.B. 834 (Senate Committee Substitute), a bill (1) to require public schools to offer an abstinence until marriage program; (2) to authorize local school boards to offer comprehensive sex education when certain requirements concerning review and local approval are satisfied; and (3) to provide for parental review and approval of, and to place certain restrictions on, any instruction on sexually transmitted

diseases, out–of–wedlock pregnancy, abstinence until marriage, and comprehensive sex education, whether developed by the State or a local board of education, with a favorable report.

H.B. 113 (Senate Committee Substitute), a bill to regulate public access to and use of criminal justice records, with a favorable report, as amended.

S.B. 859, a bill to amend the mental health commitment law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 8681, which changes the title to read **S.B. 859** (Committee Substitute), a bill to amend the mental health commitment law to provide for diversion of potential Thomas S. class members to appropriate treatment, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted and ordered placed at the end of today's Calendar for further consideration.

H.B. 168 (Committee Substitute No. 2), a bill to improve the enforcement of child support by creating additional remedies, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Senate Committee Substitute bill 7242 is placed before the Senate for immediate consideration, and on her further motion is adopted and ordered placed at the end of today's Calendar for further consideration.

H.B. 490 (Committee Substitute No. 3), a bill to provide that annual reports of business corporations and limited liability companies shall be filed with the Department of Revenue rather than the Secretary of State, to establish fees for expedited filings, to provide that nonprofit religious corporations are not required to file annual reports, to extend the deadline to allow the reinstatement of dissolved corporations, and to allow the Secretary of State to retain filed documents in reproduced form, with an unfavorable report as to Committee Substitute bill No. 3, but favorable as to Senate Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Senate Committee Substitute bill 9166, which changes the title, upon concurrence to read **H.B. 490** (Senate Committee Substitute), a bill to establish fees for expedited filings, to provide that nonprofit corporations are not required to file annual reports, to allow the Secretary of State to retain filed documents in reproduced form, to extend the deadline to allow the reinstatement of dissolved corporations, and to prevent the use of duplicate corporate names, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Senate Committee Substitute bill is adopted and ordered placed at the end of today's Calendar for further consideration.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 114
(Senate Committee Substitute)

House of Representatives
July 28, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to House Rule 43, the House of Representatives refuses to receive the Senate Committee Substitute for **HB 114**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE MERGER OF THE ALAMANCE COUNTY SCHOOLS AND THE BURLINGTON CITY SCHOOLS MAY BECOME EFFECTIVE ONLY IF APPROVED BY THE VOTERS OF ALAMANCE COUNTY.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 200
(House Committee Substitute)

House of Representatives
July 28, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for **SB 200**, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 2 OF CHAPTER 119 OF THE GENERAL STATUTES REGARDING THE REGULATION OF REREFINED OR REPROCESSED OIL, AND TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE GASOLINE AND OIL INSPECTION LAW, THE MEAT INSPECTION LAW, AND THE ANIMAL WELFARE AND ANIMAL HEALTH LAWS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill enrolled.

EXECUTIVE ORDER

An Executive Order received (*See Appendix*) is presented to the Senate, read, and ordered placed in the Office of the Principal Clerk with the papers of the Senate, as follows:

Executive Order Number 82, Persian Gulf War Memorial Commission.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (*See Addendum*) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 769, Section 25.43 of the 1993 Session Laws, the North

Carolina Department of Human Resources submits a report on Child–Caring Agencies Reimbursement Discrepancies.

CONFERENCE REPORT

S.B. 84 (House Committee Substitute)

Senator Hartsell for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 84** (House Committee Substitute), a bill to place time limits on options in gross and other interests in land, as recommended by the General Statutes Commission, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 84, AN ACT TO PLACE TIME LIMITS ON OPTIONS IN GROSS AND OTHER INTERESTS IN LAND, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, House Committee Substitute Favorable 6/5/95, submit the following report:

That the Senate concurs in the House Committee Substitute for Senate Bill 84 (Third Edition) with the following amendments:

on page 2, line 19, by rewriting that line to read:
"(a) Except as otherwise provided in this section:";

and on page 2, lines 29 and 30, by rewriting those lines to read:
"within 60 years after its creation.

(b) This section does not apply to a possibility of reverter, right of entry, or executory interest held by a charity, a government or governmental agency or subdivision excluded from the Uniform Statutory Rule Against Perpetuities by G.S. 41–18(5) or to an arrangement relating solely to an interest in oil, gas, or minerals.";

and on page 2, line 34 through page 3, line 9, by deleting those lines in their entirety;

and on page 3, lines 10 through 14, by renumbering the remaining sections of the bill accordingly.

The House agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 28, 1995.

S/Fletcher L. Hartsell, Jr.	S/William Culpepper
S/Frank W. Ballance, Jr.	S/Lanier M. Cansler
S/Wib P. Gulley	S/Joe Kiser
Hamilton Horton	S/C.B. Neely
S/J. Clark Plexico	
Conferees for the Senate	*Conferees for the House of Representatives*

July 28, 1995

On motion of Senator Hartsell, the Conference Report is adopted (39–1), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RECONSIDERATION

S.B. 501, a bill to require the parents of a dependent child who is the parent of a dependent child to contribute to the support of their grandchild, with conferees appointed June 12.

With unanimous consent, on motion of Senator Rand, the conferees are dismissed.

Senator Rand offers a motion that the vote by which the motion to appoint conferees prevailed be reconsidered, which motion prevails and the question becomes the appointment of conferees which Senator Rand, with unanimous consent, withdraws.

Senator Rand offers a further motion that the vote by which the Senate failed to concur in House Amendments No. 1 and No. 2 be reconsidered, which motion prevails and the question becomes concurrence in House Amendments No. 1 and No. 2.

The Senate concurs in the House Amendments No. 1 and No. 2 (41–1) and the bill is ordered enrolled. (See page 1391)

With unanimous consent, the Senate recesses at 4:31 P.M. to reconvene at 4:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Perdue for the **Appropriations Committee**:

S.B. 905 (Committee Substitute), a bill to affect the membership of the State Fire and Rescue Commission as written by the **Pensions and Retirement/ Insurance/State Personnel Committee**, with a favorable report.

With unanimous consent, on motion of Senator Perdue, the rules are suspended to the end the Committee Substitute bill is placed at the end of today's Calendar for consideration upon its passage.

With unanimous consent, on motion of Senator Basnight, the remarks of Senator Odom, who rises to a point of personal privilege, memorializing his law partner of twenty–five years, Maurice Weinstein, are spread upon the Journal, as follows:

By Senator Odom:

"Members of the Senate, I'll be very brief. I want to say just a few words about the death of my law partner, Maurice Weinstein, who passed away earlier this

week, and he was buried yesterday. I think all of us would agree that death brings us to a bittersweet moment of life. And I know that most of you know that Senator Perdue, Senator Plyler, Senator Edwards, and Senator Odom have experienced a lot of those bittersweet moments in the last few months.

"In the last fourteen months I've said 'goodbye' to my mother and to my father, and then this week, I said 'goodbye' to my law partner with whom I practiced law for twenty–five years. We had a very, very close personal friendship that spanned over thirty–three years.

"I wanted to say something about him to you because he was like a second father to me. He died at the age of eighty–one. But Maurice Weinstein exemplified what was good, honorable, and decent about being an attorney. And in a day when lawyers are severely criticized, I think it's appropriate that we can say something good about someone who was a 'lawyer's lawyer.'

"He was meticulous in his research and details. He was thorough and scholarly in preparation. He was the consummate advocate and he taught me to never give up. But he also taught me that one in the legal profession, as well as all walks of life, should avoid even the appearance of impropriety. He demanded the highest of ethical standards for the attorneys that worked with him. He was insistent on being fair with his clients in charging fees. He had an immense vocabulary. He was an extremely intelligent individual. He issued words of moderation and reason, and he always said, 'Never use ten words when one word will do.' He was adamantly opposed to advertising. He thought that was beneath the dignity of the profession.

"He also had another side, and that was his admiration of other attorneys. He was a close personal friend of James B. McMillan, who turned out to be the judge that ruled in the school bus desegregation—busing desegregation case that my law firm was on the losing side of. He also greatly honored another lawyer, Charles Raper Jonas who was Congressman for many, many years. And he had a special love in his heart for the most outstanding lawyer of North Carolina that ever lived, and that was Zebulon Vance. He was a classmate of Richard Nixon. He was a loyal classmate because he was still researching a defense for his impeachment even after Richard Nixon resigned from the Presidency.

"I will conclude with two words from Proverbs about Maurice Weinstein. 'A wise man is mightier than a strong man, and a man of knowledge than he who has strength. For by wise guidance you can wage your war and in abundance of counselors there is victory.' And from Proverbs 25, 'A word fitly spoken is like apples of gold in a setting of silver. Like a gold ring, or an ornament of gold is a wise reprover to a listening ear.' It was sad to say 'goodbye' to a great individual, but in my judgment, one of the finest lawyers that ever practiced in North Carolina."

CALENDAR (Continued)

H.B. 834 (Committee Substitute), a bill (1) to provide for parental review of and to place certain restrictions on any instruction on sexually transmitted diseases or out–of–wedlock pregnancy given as part of a comprehensive school health program; (2) to make changes to the appointments to the State School Health Advisory Committee; (3) to require public schools to offer an abstinence until marriage program; and (4) to authorize local school boards to offer comprehensive sex education when certain requirements concerning review and local approval are

satisfied, changing the title, upon concurrence, to read **H.B. 834** (Senate Committee Substitute), a bill (1) to require public schools to offer an abstinence until marriage program; (2) to authorize local school boards to offer comprehensive sex education when certain requirements concerning review and local approval are satisfied; and (3) to provide for parental review and approval of, and to place certain restrictions on, any instruction on sexually transmitted diseases, out–of–wedlock pregnancy, abstinence until marriage, and comprehensive sex education, whether developed by the State or a local board of education, placed earlier on today's Calendar upon its passage.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 113 (Senate Committee Substitute), a bill to regulate public access to and use of criminal justice records, placed earlier on today's Calendar upon its passage.

On motion of Senator Perdue, Committee Amendments No. 1 and No. 2 are adopted.

Senator Simpson offers Amendment No. 3 which is adopted (42–2).

Senator Hoyle offers Amendment No. 4.

Senator Ballance offers a motion further consideration of the Senate Committee Substitute bill, as amended, with Amendment No. 4 pending, be postponed until Wednesday, August 2, which motion he subsequently withdraws.

Senator Sawyer offers Amendment No. 5 perfecting Amendment No. 4.

With unanimous consent, Senator Sawyer withdraws Amendment No. 5 perfecting Amendment No. 4.

With unanimous consent, Senator Hoyle withdraws Amendment No. 4.

Following lengthy debate, the Senate Committee Substitute bill, as amended, fails to pass its second reading (20–25) and the measure lies upon the table.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 230
(Senate Committee Substitute)

House of Representatives
July 28, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Conference Committee Substitute for **HB 230**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE EXPANSION EXPENDITURES AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 230 (Senate Committee Substitute), an act to appropriate funds to provide expansion expenditures and capital improvements for State departments, institutions, and agencies, and for other purposes. (Ch. 507)

H.B. 835, an act to amend the General Statutes relating to civil actions brought to recover from third parties State funds expended on medical care. (Ch. 508)

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Horton.

CALENDAR (Continued)

S.B. 859 (Committee Substitute), a bill to amend the mental health commitment law to provide for diversion of potential Thomas S. class members to appropriate treatment, placed earlier on today's Calendar upon its passage.

The Committee Substitute bill passes its second (41–1) and third readings and is ordered sent to the House of Representatives by special messenger.

RECALL FROM ENROLLING

H.B. 306 (Committee Substitute No. 2), a bill to extend expiring provisions again, ordered enrolled earlier today.

Senator Rand offers a motion to the end the Committee Substitute bill No. 2 be recalled from the Enrolling Office for further consideration, which motion prevails.

The Chair orders the Committee Substitute bill No. 2 recalled from the Enrolling Office.

CALENDAR (Continued)

H.B. 168 (Senate Committee Substitute), a bill to improve the enforcement of child support by creating additional remedies, placed earlier on today's Calendar upon its passage.

The Senate Committee Substitute bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 834 (Senate Committee Substitute), a bill (1) to require public schools to offer an abstinence until marriage program; (2) to authorize local school boards to offer comprehensive sex education when certain requirements concerning review and local approval are satisfied; and (3) to provide for parental review and approval of, and to place certain restrictions on, any instruction on sexually transmitted diseases, out–of–wedlock pregnancy, abstinence until marriage, and comprehensive sex education, whether developed by the State or a local board of education, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second (38–4) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 490 (Committee Substitute No. 3), a bill to provide that annual reports of business corporations and limited liability companies shall be filed with the Department of Revenue rather than the Secretary of State, to establish fees for expedited filings, to provide that nonprofit religious corporations are not required to file annual reports, to extend the deadline to allow the reinstatement of dissolved corporations, and to allow the Secretary of State to retain filed documents in reproduced form, changing the title, upon concurrence, to read **H.B. 490** (Senate Committee Substitute), a bill to establish fees for expedited filings, to provide that nonprofit corporations are not required to file annual reports, to allow the Secretary of State to retain filed documents in reproduced form, to extend the deadline to allow the reinstatement of dissolved corporations, and to prevent the use of duplicate corporate names, placed earlier on today's Calendar upon its passage.

The Senate Committee Substitute bill passes its second (41–1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

With unanimous consent, on motion of Senator Sherron, the Senate recesses at 6:36 P.M. for the purpose of a meeting of the **Finance Committee**, to reconvene at 6:41 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

The President of the Senate introduces Bryan Pruitt of the Principal Clerk's staff who is acting Reading Clerk in the absence of LeRoy Clark.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 974
(House Committee Substitute No. 4)

House of Representatives
July 28, 1995

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute # 4 to **SB 974**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A PERSON WHO PERFORMS THE LAND APPLICATION OF AGRICULTURE WASTE TO BE CERTIFIED AS A WATER POLLUTION CONTROL SYSTEMS OPERATOR, which proposes to change the title, upon concurrence, to read House Committee Substitute # 4 to **SB 974**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A PERSON WHO PERFORMS THE LAND APPLICATION OF AGRICULTURAL BY-PRODUCTS FROM SWINE PRODUCTION TO BE CERTIFIED, the Speaker has appointed as conferees on the part of the House,

Representative J. Brown, Chair;
Representative Daughtry,
Representative Watson,

Representative Mitchell,
Representative Mercer, and
Representative Nichols

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 559
(Committee Substitute)

House of Representatives
July 28, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Committee Substitute for **SB 559**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ACCEPTANCE OF RENT BY A HOUSING AUTHORITY IS NOT A WAIVER OF DEFAULT AND TO AUTHORIZE HOUSING AUTHORITIES TO GOVERN ENTRY UPON HOUSING AUTHORITY PROPERTY BY GUESTS AND VISITORS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The Chair orders the Committee Substitute bill enrolled.

RECONSIDERATION

H.B. 306 (Committee Substitute No. 2), a bill to extend expiring provisions again, ordered recalled from the Enrolling Office earlier today.

The Enrolling Clerk returns the Committee Substitute bill No. 2, and the President places the measure before the Senate.

Senator Rand offers a motion that the vote by which the Committee Substitute bill No. 2 passed its third reading be reconsidered, which motion prevails, and the question becomes passage of the Committee Substitute bill No. 2 upon third reading.

On motion of Senator Rand, without objection, the Committee Substitute bill No. 2 is recommitted to the **Appropriations Committee**.

CALENDAR (Continued)

S.B. 905 (Committee Substitute), a bill to affect the membership of the State Fire and Rescue Commission, placed earlier on today's Calendar upon its passage.

The Committee Substitute bill passes its second (25–13) and third readings and is ordered sent to the House of Representatives by special messenger.

CONFERENCE REPORT

H.B. 637 (Senate Committee Substitute No. 2)

Senator Cooper, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 637** (Senate Committee Substitute No. 2), a bill to amend the law regarding products liability, submits the following report for adoption:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 637, AN ACT TO AMEND THE LAW REGARDING PRODUCTS LIABILITY, Fourth Edition, Senate Judiciary I/ Constitution Committee Substitute No. 2 Adopted 7/11/95, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate Judiciary I/Constitution Committee Substitute No. 2 Adopted 7/11/95, and the House concurs in the Senate Committee Substitute as amended:

on page 3, line 29, by deleting the words "that asserts" and substituting the word "for";

and on page 5, lines 21–22, by rewriting the lines to read:

"(e) Nothing in this section precludes an action against a manufacturer in accordance with the provisions of G.S. 99B–5.".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 28, 1995.

S/Roy A. Cooper III	S/C.B. Neely, Jr.
S/Patrick J. Ballantine	S/N. Leo Daughtry
S/Leslie Winner	S/Richard T. Morgan
	S/Billy Richardson
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Cooper, the Conference Report is adopted (39–3) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Sherron for the **Finance Committee**:

H.B. 706 (Committee Substitute), a bill authorizing various local governments to levy or increase a room occupancy tax subject to approval by the voters and modifying the method of appointment of members to the Haywood County Tourism Development Authority, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the proposed Senate Committee Substitute bill 8227, which changes the title, upon concurrence, to read **H.B. 706** (Senate Committee Substitute), a bill authorizing certain local governments to levy a room occupancy tax subject to approval by the voters, modifying the method of appointment of members and officers to certain local tourism development boards, and modifying the allocation of the proceeds of the New Hanover occupancy tax, is placed before the Senate for immediate consideration.

On motion of Senator Sherron, the Senate Committee Substitute bill is adopted. The Chair rules the Senate Committee Substitute bill a non–material amendment.

With unanimous consent, on motion of Senator Sherron, the rules are suspended to the end the Senate Committee Substitute bill remains before the Senate for further consideration upon its passage, upon second reading.

Senator East offers Amendment No. 1, held not to be material and changing the title, upon concurrence, to read **H.B. 706** (Senate Committee Substitute), a bill authorizing Columbus County to levy a room occupancy tax subject to approval by the voters, modifying the method of appointment of members and officers to certain local tourism development boards, and modifying the allocation of the proceeds of the New Hanover occupancy tax, which is adopted (24–9).

The Senate Committee Substitute bill, as amended, passes its second reading by roll–call vote, ayes 32, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Cochrane, Dannelly, East, Edwards, Foxx, Hartsell, Hobbs, Hoyle, Jordan, Kerr, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Soles, Speed, and Warren—32.

Voting in the negative: Senators Clark, McDaniel, Page, and Webster—4.

The Senate Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 300
(Senate Committee Substitute)

House of Representatives
July 28, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House failed to concur in Senate Committee Substitute for **HB 300**, A BILL TO BE ENTITLED AN ACT AUTHORIZING LIMITED PURCHASING OF GOODS AND SERVICES FROM NONCERTIFIED SOURCES, which proposes to change the title upon concurrence to read, Senate Committee

Substitute for **HB 300**, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROVISIONS GOVERNING STATE REQUIREMENTS CONTRACTS FOR FURNITURE the Speaker has appointed as conferees on the part of the House,

Representative Edwards,
Representative Warner,
Representative G. Robinson,
Representative Russell, and
Representative McAllister

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 955

House of Representatives
July 28, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the Speaker has added Representative Linney as a conferee on the part of the House for **HB 955**, A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITY BY AUTHORIZING THE CREATION AND FUNDING OF CHARTER SCHOOLS, WHICH ARE DEREGULATED SCHOOLS UNDER PUBLIC CONTROL.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 649
(House Committee Substitute)

House of Representatives
July 28, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 649**, A BILL TO BE ENTITLED AN ACT CONCERNING SWEET POTATOES. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill enrolled.

Senator Basnight offers a motion the Senate do adjourn, subject to the receipt of messages from the House of Representatives, seconded by Senator Odom, to meet tomorrow at 8:00 A.M., which motion prevails.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives, and are held for the order of the Chair:

S.B. 84
(House Committee Substitute)

House of Representatives
July 28, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 84**, A BILL TO BE ENTITLED AN ACT TO PLACE TIME LIMITS ON OPTIONS IN GROSS AND OTHER INTERESTS IN LAND, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 637
(Senate Committee Substitute)

House of Representatives
July 28, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for **HB 637**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING PRODUCTS LIABILITY. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

A special message is received from the House of Representatives, transmitting a bill which is read the first time and held for the order of the Chair, as follows:

H.B. 218, a bill to provide that the Department of Environment, Health, and Natural Resources shall use a portion of the funds appropriated to it for 1995–97 for a particular purpose.

Special messages are received from the House of Representatives transmitting bills for concurrence, which are read and held for the order of the Chair, as follows:

S.B. 402 (Committee Substitute), a bill to strengthen the domestic violence law by requiring domestic violence order to be accessible by computer, to allow the judge issuing the order to require seizure of firearms and prohibit possession of firearms, and make it a Class H felony for any person subject to a domestic violence order to purchase or possess any firearm, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 402** (House Committee Substitute No. 2), a bill to strengthen the domestic violence laws.

S.B. 783 (House Committee Substitute), a bill to provide for the forfeiture of property owned by persons participating in nuisances on the property involving the sale or use of narcotic drugs, for concurrence in the House Committee Substitute bill.

A special message is received from the House of Representatives transmitting a bill which is read the first time and held for the order of the Chair, as follows:

H.B. 512 (Committee Substitute), a bill to provide that community college students enrolled in health programs are subject to the same immunization requirements as for other college and university students.

With the motion of Senator Basnight prevailing earlier, the Senate stands adjourned at 9:30 P.M. in memory of Maurice Weinstein, former law partner of Senator Odom, and Rick "Baseball" Ferrell, to meet tomorrow, Saturday, July 29, at 8:00 A.M.

ONE HUNDRED NINTH DAY

SENATE CHAMBER,
Saturday, July 29, 1995.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our Loving Father, it was stated on the opening day of this Session that a family had been birthed—the Senate's family.

"And from this observer's perspective, O Lord, a family it has truly become.

"May they always be ready as the years come and go, to carry on, with widening reach and heightened power, the work they sought to do and did begin. For Your Sake, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Smith, "attending the Southern Regional Education Board Legislative Work Conference"; to Senator Plexico "representing North Carolina at the Governor's and the President *Pro Tempore*'s request at the Southern Regional Educational Board"; to Senator Horton, "illness in family"; to Senator Forrester, "to cover medical practice"; to Senator Conder; and to Senator Edwards.

Senator Basnight, President *Pro Tempore*, announces the Journal of Friday, July 28, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Pursuant to the motion prevailing on Tuesday, July 18, all measures ordered sent to the House of Representatives through adjournment of the First Regular Session are sent by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 590 (House Committee Substitute No. 2), an act to make technical corrections and conforming changes to the General Statutes and Session Laws as recommended by the General Statutes Commission and to make other corrections and technical and conforming changes to the General Statutes and Session Laws. (Ch. 509)

S.B. 693 (House Committee Substitute), an act to make technical amendments to improve the administration of the property tax on motor vehicles. (Ch. 510)

S.B. 908 (House Committee Substitute), an act relating to the power of water and sewer authorities and cities and counties to require connections to water and sewer systems, the number of members of certain metropolitan sewerage districts, and the powers of the Stanly Airport Authority. (Ch. 511)

H.B. 1001 (Senate Committee Substitute), an act to provide that antique automobiles shall be valued at no more than five hundred dollars for property tax purposes and to eliminate double taxation of a motor vehicle when the owner moves away and then returns to the State within one year. (Ch. 512)

H.B. 545 (Senate Committee Substitute No. 2), an act to broaden the law providing for the establishment of cartways. (Ch. 513)

H.B. 729 (Senate Committee Substitute), an act to establish standards and procedures for the recovery of punitive damages in civil actions. (Ch. 514)

H.B. 738 (Committee Substitute), an act to authorize the issuance of twenty-three million nine hundred thousand dollars of Community College bonds or notes, and to appropriate the proceeds of these bonds and notes for specific community college capital projects, and to provide for reallocation of the proceeds of Community College bonds or notes if matching requirements are not met. (Ch. 515)

S.B. 200 (House Committee Substitute), an act to amend Article 2A of Chapter 119 of the General Statutes regarding the regulation of rerefined or reprocessed oil, and to provide for civil penalties for violations of the Gasoline and Oil Inspection law, the meat inspection law, and the animal welfare and animal health laws. (Ch. 516)

S.B. 345 (House Committee Substitute No. 5), an act to make substantive changes to the insurance laws. (Ch. 517)

S.B. 501, an act to require the parents of a dependent child who is the parent of a dependent child to contribute to the support of their grandchild. (Ch. 518)

S.B. 917 (Committee Substitute), an act to allow members of the Soil and Water Conservation Commission and supervisors of soil and water conservation districts to participate in the Agriculture Cost Share Program for Nonpoint Source Pollution Control and to allocate funds for the Agriculture Cost Share Program for Nonpoint Source Pollution Control to be used for capital expenses associated with developing agriculture waste management measures. (Ch. 519)

S.B. 559 (Committee Substitute), an act to provide that acceptance of rent by a housing authority is not a waiver of default and to authorize housing authorities to govern entry upon housing authority property by guests and visitors. (Ch. 520)

S.B. 649 (House Committee Substitute), an act concerning sweet potatoes. (Ch. 521)

H.B. 637 (Senate Committee Substitute No. 2), an act to amend the law regarding products liability. (Ch. 522)

S.J.R. 1102, a joint resolution honoring the memory of Amy Jean Jackson and commending the heroism of Robert G. Jackson, Jr. (Res. 14)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 706 (Committee Substitute), a bill authorizing various local governments to levy or increase a room occupancy tax subject to approval by the voters and modifying the method of appointment of members to the Haywood County Tourism Development Authority, changing the title, upon concurrence, to read **H.B. 706** (Senate Committee Substitute), a bill authorizing Columbus County to levy a room occupancy tax subject to approval by the voters, modifying the method of appointment of members and officers to certain local tourism development boards, and modifying the allocation of the proceeds of the New Hanover occupancy tax, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 36, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Cochrane, Cooper, Dannelly, Davis, East, Foxx,

Gulley, Hartsell, Hobbs, Hoyle, Jordan, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Page, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—36.

Voting in the negative: Senators Clark, McDaniel, and Webster—3.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

S.B. 351 (Committee Substitute No. 2), a bill to provide for special registration plates for War Veterans, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Foxx, Gulley, Hartsell, Hobbs, Hoyle, Jordan, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, Webster, and Winner—41.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives by special messenger.

S.B. 52 (Committee Substitute), a bill to create the State-Owned Submerged Lands Advisory Committee and to require that the Advisory Committee make its final report to the General Assembly on or before May 1, 1995, for concurrence in the House Committee Substitute bill No. 5, which changes the title, upon concurrence to read **S.B. 52** (House Committee Substitute No. 5), a bill to amend the provisions of Chapter 146 concerning State-owned submerged lands, upon third reading.

The Senate concurs in the House Committee Substitute bill No. 5 on its third reading by roll-call vote, ayes 38, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blackmon, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Davis, East, Hartsell, Hobbs, Hoyle, Jordan, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, McKoy, Odom, Page, Parnell, Perdue, Plyler, Rand, Shaw, Sherron, Simpson, Soles, Speed, Warren, and Winner—38.

Voting in the negative: Senators Foxx, Gulley, and Webster—3.

The House Committee Substitute bill No. 5 is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages, received and read July 28, are presented to the Senate for the order of the Chair:

S.B. 24
(House Committee Substitute)

House of Representatives
July 28, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee

Substitute to **SB 24**, A BILL TO BE ENTITLED AN ACT TO REFOCUS THE SCHOOL TESTING PROGRAM ON THE BASICS. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill enrolled.

With unanimous consent, on motion of Senator Rand, the rules are suspended to the end all measures received from the House of Representatives are placed at the end of today's Calendar for consideration.

S.B. 402, a bill to strengthen the domestic violence law by requiring domestic violence order to be accessible by computer, to allow the judge issuing the order to require seizure of firearms and prohibit possession of firearms, and make it a Class H felony for any person subject to a domestic violence order to purchase or possess any firearm, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 402** (House Committee Substitute No. 2), a bill to strengthen the domestic violence laws.

The Chair orders the House Committee Substitute bill No. 2 placed at the end of the Calendar for today for consideration upon concurrence.

S.B. 783 (House Committee Substitute), a bill to provide for the forfeiture of property owned by persons participating in nuisances on the property involving the sale or use of narcotic drugs, for concurrence in the House Committee Substitute bill.

The Chair orders the House Committee Substitute bill placed at the end of the Calendar for today for consideration upon concurrence.

H.B. 218, a bill to provide that the Department of Environment, Health, and Natural Resources shall use a portion of the funds appropriated to it for 1995–97 for a particular purpose.

The Chair orders the bill placed at the end of the Calendar for today for consideration upon its passage.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 84
(House Committee Substitute)

House of Representatives
July 28, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 84**, A BILL TO BE ENTITLED AN ACT TO PLACE TIME LIMITS ON OPTIONS IN GROSS AND OTHER INTERESTS IN LAND, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. Pursuant

to your message that your Honorable Body has adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill enrolled.

A special message is received from the House of Representatives transmitting a bill for concurrence, which is read and disposed of, as follows:

S.B. 502 (House Committee Substitute No. 2), a bill to establish the licensing and registration of assisted living facilities and to replace the archaic term "domiciliary" care with the term "adult" care, for concurrence in the House Committee Substitute bill No. 2, which is placed at the end of the Calendar for today for consideration upon concurrence.

CALENDAR (Continued)

S.B. 402 (Committee Substitute), a bill to strengthen the domestic violence law by requiring domestic violence order to be accessible by computer, to allow the judge issuing the order to require seizure of firearms and prohibit possession of firearms, and make it a Class H felony for any person subject to a domestic violence order to purchase or possess any firearm, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 402** (House Committee Substitute No. 2), a bill to strengthen the domestic violence laws, placed on the Calendar earlier today upon concurrence.

The Senate concurs in the House Committee Substitute bill No. 2 (39–2) and the measure is ordered enrolled.

S.B. 783 (House Committee Substitute), a bill to provide for the forfeiture of property owned by persons participating in nuisances on the property involving the sale or use of narcotic drugs, placed on the Calendar earlier today for concurrence in the House Committee Substitute bill.

On motion of Senator Gulley, the Chair orders, without objection, the House Committee Substitute bill temporarily displaced.

H.B. 218, a bill to provide that the Department of Environment, Health, and Natural Resources shall use a portion of the funds appropriated to it for 1995–97 for a particular purpose, placed on the Calendar earlier today upon its passage.

The bill passes its second (41–0) and third readings and is ordered enrolled.

S.B. 783 (House Committee Substitute), a bill to provide for the forfeiture of property owned by persons participating in nuisances on the property involving the sale or use of narcotic drugs, for concurrence in the House Committee Substitute bill, temporarily displaced earlier.

The Senate concurs in the House Committee Substitute bill (40–1) and the measure is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The remaining message received and read on July 28 is presented to the Senate for the order of the Chair, as follows:

H.B. 512 (Committee Substitute), a bill to provide that community college students enrolled in health programs are subject to the same immunization requirements as for other college and university students.

With unanimous consent, the Chair places the Committee Substitute bill before the Senate for immediate consideration upon its passage.

On motion of Senator Rand, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

CALENDAR (Continued)

S.B. 502 (House Committee Substitute No. 2), a bill to establish the licensing and registration of assisted living facilities and to replace the archaic term "domiciliary" care with the term "adult" care, placed on the Calendar earlier today for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (41–0) and the measure is ordered enrolled.

With unanimous consent, on motion of Senator Rand, the Senate recesses at 8:50 A.M. for the purpose of a meeting of the **Rules and Operation of the Senate Committee**, to reconvene at 9:00 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Rand for the **Rules and Operation of the Senate Committee**:

H.J.R. 1069 (Committee Substitute), a joint resolution setting the time for adjournment of the 1995 General Assembly to meet in 1996, limiting the subjects that may be considered in that Session, and providing for adjournment *sine die* of the General Assembly, with an unfavorable report as to Committee Substitute joint resolution, but favorable as to Senate Committee Substitute joint resolution.

On motion of Senator Rand, the rules are suspended, and the proposed Senate Committee Substitute joint resolution 8229 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Rand, the Senate Committee Substitute joint resolution remains before the Senate for further consideration upon its passage.

The Senate Committee Substitute joint resolution passes its second (40–0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute joint resolution by special messenger.

CONFERENCE REPORT

S.B. 974 (House Committee Substitute bill No. 4)

Senator Albertson for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 974**, a bill to require a person who performs the land application of agriculture waste to be certified as a water pollution control systems operator, which House Committee Substitute bill proposes to change the title, upon concurrence, to read **S.B. 974** (House Committee Substitute No. 4), a bill to require a person who performs the land application of agricultural by-products from swine production to be certified, submits the following report for adoption, which proposes to further change the title, upon adoption, to read **S.B. 974** (House Committee Substitute No. 4), a bill to require a person who performs the land application of animal waste from swine production to be certified:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 974, A BILL TO BE ENTITLED AN ACT TO REQUIRE A PERSON WHO PERFORMS THE LAND APPLICATION OF AGRICULTURAL BY-PRODUCTS FROM SWINE PRODUCTION TO BE CERTIFIED, House Committee Substitute #4 Favorable 7/19/95 (Sixth Edition), submit the following report:

The Senate concurs in the House Committee Substitute #4 Favorable 7/19/95 with the following amendment:

Delete the House Committee Substitute #4 Favorable 7/19/95 in its entirety and substitute the attached proposed Conference Committee Substitute S974-PCCS5662,

And the House of Representatives agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: 28 July 1995.

S/Charles W. Albertson	S/John W. Brown
S/John G. Blackmon	S/N. Leo Daughtry
S/John H. Kerr	S/L.E. Mercer
S/R.C. Soles Jr.	S/W. Frank Mitchell
S/James D. Speed	S/John M. Nichols
	S/Cynthia B. Watson
Conferees for the Senate	*Conferees for the House of Representatives*

The text of the attached proposed Conference Committee Substitute bill 5662, is as follows:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A PERSON WHO PERFORMS THE LAND APPLICATION OF ANIMAL WASTE FROM SWINE PRODUCTION TO BE CERTIFIED.

The General Assembly of North Carolina enacts:

Section 1. Article 21 of Chapter 143 of the General Statutes is amended by adding a new Part to read:

"Part 9A. Application of Animal Waste.

"§ 143-215.74C. Definitions.

As used in this Part:

(1) 'Animal waste' means liquid residuals, resulting from the raising of swine (Sus scrofa), that are collected, treated, stored, or applied to the land through an animal waste management system.

(2) 'Animal waste management system' means a combination of structural and nonstructural practices that will properly collect, treat, store, or apply animal waste to the land such that no discharge of pollutants occurs to surface waters of the State by any means except as a result of a storm event more severe than the 25-year, 24-hour storm. For purposes of this Part, 'animal waste management system' means a system that is designed to manage and that actually serves more than 250 swine (Sus scrofa).

(3) 'Application' means laying, spreading on, irrigating, or injecting animal waste onto land.

(4) 'Owner' means the person who owns or controls the land used for agricultural purposes or the person's lessee or designee.

(5) 'Operator in charge' means a person who holds a currently valid certificate to operate an animal waste management system and who has primary responsibility for the operation of the system.

"§ 143-215.74D. Purpose; animal waste management required; certified operators required.

(a) The purpose of this Part is to reduce nonpoint source pollution in order to protect the public health and to conserve and protect the quality of the State's water resources and to encourage the development and improvement of the State's agricultural land for the production of food and other agricultural products.

(b) Animal waste subject to this Part shall be managed so that the application of the waste does not cause a discharge of pollutants to the surface waters of the State, except as a result of a storm event more severe than a 25-year, 24-hour storm.

(c) Only an operator in charge or a person under the supervision of an operator in charge may apply animal waste to the land. The owner or other person in control of the land used for the swine production is responsible for ensuring that the application is performed by an operator in charge or person under the supervision of an operator in charge.

(d) This Part is not intended to supplant any permit otherwise required to be obtained from the Department for the discharge of an animal waste.

"§ 143-215.74E. Qualifications for operators of animal waste management systems; issuance of certificates.

(a) The Department, in cooperation with the Cooperative Extension Service, shall develop and administer a training and certification program for the operator

in charge of an animal waste management system. Each applicant shall complete six hours of instruction on the operation of animal waste management systems. The Department shall issue a certificate as an operator in charge to a person who completes the instructional requirements established by this subsection, demonstrates competence in the operation of animal waste management systems by passing an appropriate examination, and pays a ten dollar ($10.00) fee.

(b) The certificate shall be renewed annually, provided that the training and examination requirements established under subsection (a) of this section shall be completed at least once every five years. The annual renewal fee shall be ten dollars ($10.00).

(c) In addition to other penalties authorized by law, the Department may assess a civil penalty of up to one thousand dollars ($1,000) against a person who violates this Part and, in accordance with the procedure set forth in Chapter 150B of the General Statutes, may suspend or revoke a certificate or may issue a written reprimand to an operator in charge if it finds that the operator in charge has practiced fraud or deception; that reasonable care, judgment, or the application of his knowledge or ability was not used in the performance of his duties; or that the operator in charge is incompetent or unable to properly perform his duties.

(d) The Department shall adopt rules to implement this Part."

Sec. 2. G.S. 143–215.74E(d), as enacted by Section 1 of this act, is effective upon ratification. All other provisions of this act become effective 1 January 1997.

On motion of Senator Albertson, the Conference Report is adopted (39–0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill, which is read the first time and disposed of, as follows:

H.B. 898 (Committee Substitute No. 3), a bill to authorize studies by the Legislative Research Commission, to create and continue various commissions, to direct State agencies and legislative oversight committees and commissions to study specified issues, to make various statutory changes, and to make technical corrections to Chapter 507 of the 1995 Session Laws.

The Chair orders, without objection, the Committee Substitute bill No. 3 temporarily displaced.

A special message is received from the House of Representatives transmitting a bill for concurrence, which is read and disposed of, as follows:

S.B. 966 (House Committee Substitute), a bill to increase the cosmetology examination and licensure fees, to allow the board to administer examinations for licensure of teachers, and to charge a fee for the examination of teachers, for concurrence in the House Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended, without objection, and the

House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Chair rules the House Committee Substitute bill does not require a call of the roll.

The Senate concurs in the House Committee Substitute bill (39–2) and the measure is ordered enrolled.

H.B. 898 (Committee Substitute No. 3), a bill to authorize studies by the Legislative Research Commission, to create and continue various commissions, to direct State agencies and legislative oversight committees and commissions to study specified issues, to make various statutory changes, and to make technical corrections to Chapter 507 of the 1995 Session Laws, temporarily displaced earlier.

On motion of Senator Rand, the Committee Substitute bill No. 3 is placed before the Senate for immediate consideration upon its passage.

The Committee Substitute bill passes its second (40–0) and third readings and is ordered enrolled.

ENROLLED RESOLUTION

The Enrolling Clerk reports the following resolution properly enrolled and it is duly ratified and sent to the Office of the Secretary of State:

H.J.R. 1069 (Senate Committee Substitute), a joint resolution setting the time for adjournment of the 1995 General Assembly to meet in 1996, limiting the subjects that may be considered in that Session, and providing for adjournment *sine die* of the General Assembly. (Res. 15)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills for concurrence, which are read and disposed of, as follows:

S.B. 202 (Committee Substitute), a bill to encourage the composting of poultry carcasses and provide an income tax credit for poultry composting facilities, for concurrence in House Amendment No. 1.

On motion of Senator Albertson, the rules are suspended, without objection, and the Committee Substitute bill is placed before the Senate for immediate consideration, upon concurrence.

The Senate concurs in House Amendment No. 1 (38–0) and the Committee Substitute bill is ordered enrolled.

S.B. 873 (House Committee Substitute), a bill to clarify and simplify the public notice requirements for the rezoning of property, for concurrence in the House Committee Substitute bill.

Pursuant to the motion of Senator Rand prevailing earlier today, the Chair orders the House Committee Substitute bill placed on the Calendar today for consideration upon concurrence.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 974
(House Committee Substitute No. 4)

House of Representatives
July 29, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the conferees on House Committee Substitute # 4 for **SB 974**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A PERSON WHO PERFORMS THE LAND APPLICATION OF AGRICULTURE WASTE TO BE CERTIFIED AS A WATER POLLUTION CONTROL SYSTEMS OPERATOR, which changes the title, upon concurrence to read, House Committee Substitute # 4 for **SB 974**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A PERSON WHO PERFORMS THE LAND APPLICATION OF AGRICULTURAL BY-PRODUCTS FROM SWINE PRODUCTION TO BE CERTIFIED, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The Chair orders the House Committee Substitute bill No. 4 enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill for concurrence, which is read and disposed of, as follows:

S.B. 53 (House Committee Substitute), a bill to require the registration of persons convicted of certain criminal sexual offenses, for concurrence in the House Committee Substitute bill.

On motion of Senator Odom, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (37–1) and the measure is ordered enrolled.

CALENDAR (Continued)

S.B. 873 (House Committee Substitute), a bill to clarify and simplify the public notice requirements for the rezoning of property, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (36–0) and the measure is ordered enrolled.

H.B. 512 (Committee Substitute), a bill to provide that community college students enrolled in health programs are subject to the same immunization requirements as for other college and university students, temporarily displaced earlier.

With unanimous consent, on motion of Senator Rand, the Committee Substitute bill is referred to the **Education/Higher Education Committee.**

Ascertaining no further business to come before the Senate, the Chair orders a message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to adjourn, pursuant to the provisions of Resolution 15, upon receipt of a like message from that Honorable Body.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1069
(Senate Committee Substitute)

House of Representatives
July 28, 1995

Mr. President:

You are respectfully advised that in accordance with Committee Substitute for **HJR 1069**, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 1995 GENERAL ASSEMBLY TO MEET IN 1996, LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, AND PROVIDING FOR ADJOURNMENT *SINE DIE* OF THE GENERAL ASSEMBLY, the House of Representatives has concluded the business before it and stands ready to open the doors of the House immediately upon receipt of information from your Honorable Body that you are ready to open your doors to the end that the gavels may fall simultaneously and adjournment declared.

Respectfully,
S/Denise Weeks
Principal Clerk

Senator Basnight offers a motion the Senate do now adjourn, subject to the ratification of bills, in memory of Hamilton C. Horton, Sr., the father of Senator Horton, seconded by Senator Horton, in absentia, and all members present.

Pursuant to Resolution 15, **H.J.R. 1069** (Senate Committee Substitute), a joint resolution setting the time for adjournment of the 1995 General Assembly to meet in 1996, limiting the subjects that may be considered in that Session, and providing for adjournment *sine die* of the General Assembly, and the motion offered by Senator Basnight, seconded by Senator Horton, in absentia, and those members present, that the Senate do now adjourn at 10:00 A.M., subject to the ratification of bills to reconvene Monday, May 13, 1996, at 12:00 Noon, the Chair places the motion before the Senate and the motion prevails.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 941 (Committee Substitute), an act to conform the provisions of the Public Utilities Chapter of the General Statutes to the federal preemption of State regulation of intrastate transportation of property except household goods and to the federal preemption of State regulation of wireless telecommunications carriers, to increase the application fee and to modify the motor fuel tax refund procedures for undyed diesel fuel used in boats. (Ch. 523)

S.B. 24 (House Committee Substitute), an act to refocus the school testing program on the basics. (Ch. 524)

S.B. 84 (House Committee Substitute), an act to place time limits on options in gross and other interests in land, as recommended by the General Statutes Commission. (Ch. 525)

H.B. 218, an act to provide that the Department of Environment, Health, and Natural Resources shall use a portion of the funds appropriated to it for 1995–97 for a particular purpose. (Ch. 526)

S.B. 402 (House Committee Substitute No. 2), an act to strengthen the domestic violence laws. (Ch. 527)

S.B. 783 (House Committee Substitute), an act to provide for the forfeiture of property owned by persons participating in nuisances on the property involving the sale or use of narcotic drugs. (Ch. 528)

S.B. 52 (House Committee Substitute No. 5), an act to amend the provisions of Chapter 146 concerning State–owned submerged lands. (Ch. 529)

S.B. 364, an act to authorize Columbus County to levy a room occupancy and tourism development tax. (Ch. 530)

S.B. 458, an act to annex certain described territory to the City of Greenville. (Ch. 531)

S.B. 992 (Committee Substitute), an act to provide that sworn and certified jailers and telecommunicators employed by the Mecklenburg County Sheriff's Department are eligible to receive the benefits afforded to law enforcement officers through the Local Governmental Employees' Retirement System. (Ch. 532)

S.B. 710, an act to increase the North Carolina Self–Insurance Guaranty Fund and to allow a credit against the gross premiums tax for assessments paid by self–insurers to the Guaranty Fund. (Ch. 533)

H.B. 834 (Senate Committee Substitute), an act (1) to require public schools to offer an abstinence until marriage program; (2) to authorize local school boards to offer comprehensive sex education when certain requirements concerning review and local approval are satisfied; and (3) to provide for parental review and approval of, and to place certain restrictions on, any instruction on sexually transmitted diseases, out–of–wedlock pregnancy, abstinence until marriage, and comprehensive sex education, whether developed by the State or a local board of education. (Ch. 534)

S.B. 502 (House Committee Substitute No. 2), an act to establish the licensing and registration of assisted living facilities and to replace the archaic term "domiciliary" care with the term "adult" care. (Ch. 535)

S.B. 256, an act to remove language requiring an attorney's opinion and written statement in appeals by indigents of a judgment in a civil action. (Ch. 536)

S.B. 712, an act to authorize the City of Durham and Durham County to apply to the Superior Court for compensatory and punitive damages in cases where intentional discrimination is found in employment practices and to authorize parties to elect between having a hearing in Superior Court or before the enforcement agency. (Ch. 537)

H.B. 168 (Senate Committee Substitute), an act to improve the enforcement of child support by creating additional remedies. (Ch. 538)

H.B. 490 (Senate Committee Substitute), an act to establish fees for expedited filings, to provide that nonprofit corporations are not required to file annual reports, to allow the Secretary of State to retain filed documents in reproduced form, to extend the deadline to allow the reinstatement of dissolved corporations, and to prevent the use of duplicate corporate names. (Ch. 539)

H.B. 706 (Senate Committee Substitute), an act authorizing Columbus County to levy a room occupancy tax subject to approval by the voters, modifying the method of appointment of members and officers to certain local tourism development boards, and modifying the allocation of the proceeds of the New Hanover occupancy tax. (Ch. 540)

S.B. 966 (House Committee Substitute), an act to increase the cosmetology examination and licensure fees, to allow the board to administer examinations for licensure of teachers, and to charge a fee for the examination of teachers. (Ch. 541)

H.B. 898 (Committee Substitute No. 3), an act to authorize studies by the Legislative Research Commission, to create and continue various commissions, to direct State agencies and legislative oversight committees and commissions to study specified issues, to make various statutory changes, and to make technical corrections to Chapter 507 of the 1995 Session Laws. (Ch. 542)

S.B. 202 (Committee Substitute), an act to encourage the composting of poultry carcasses and provide an income tax credit for poultry composting facilities. (Ch. 543)

S.B. 974 (House Committee Substitute No. 4), an act to require a person who performs the land application of animal waste from swine production to be certified. (Ch. 544)

S.B. 53 (House Committee Substitute), an act to require the registration of persons convicted of certain criminal sexual offenses. (Ch. 545)

S.B. 873 (House Committee Substitute), an act to clarify and simplify the public notice requirements for the rezoning of property. (Ch. 546)

The hour of adjournment having arrived as fixed by Resolution 15, and the motion offered by Senator Basnight having prevailed earlier to adjourn subject to the ratification of bills, all bills ordered enrolled are ratified and the President of the Senate, Lieutenant Governor Wicker, by the authority vested in him as the President of the Senate, declares the Senate adjourned, in memory of Hamilton C. Horton, Sr., to reconvene at 12:00 Noon, on Monday, May 13, 1996.

DENNIS A. WICKER
President of the Senate

SYLVIA MORRIS FINK
Principal Clerk

ADDENDUM



ERRATA

May 10, 1995 (See page 536)

A Special Message from the House of Representatives was read following the Report to the General Assembly on May 10, and was inadvertently omitted. The Special Message reads as follows:

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 373

House of Representatives
May 10, 1995

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Amendment # 1 to **HB 373**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RUNNING OF DEER BY DOGS IN THE TOWN OF SOUTHERN SHORES, which changes the title to read, **HB 373**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RUNNING OF DEER BY DOGS IN THE TOWN OF SOUTHERN SHORES AND TO PROHIBIT THE TAKING OF DEER WITH DOGS IN A PORTION OF RICHMOND COUNTY, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

July 28, 1995 (See page 1363)

S.B. 501, a bill to require the parents of a dependent child who is the parent of a dependent child to contribute to the support of their grandchild.

The order of the Chair notifying the House of Representatives of the dismissal of conferees failed to be delivered.

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 50 states:

> No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two–thirds of the membership of the Senate present and voting.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

(1) when a member moves that the Rule be suspended, and this motion prevails by at least a two–thirds vote of the membership of the Senate present and voting, or

(2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases, the bill is read a third time and remains before the Senate for further consideration.

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It will be noted the phrase "without objection" appears throughout the Senate Journal. Upon a motion offered, this reflects a determination by the Chair there is no objection from a member present, which constitutes unanimous consent, for the order of the Chair.

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It will be noted that when a bill passes its second reading and remains on the Calendar for further consideration, unless indicated otherwise, the measure is placed on the Calendar for the next legislative day in its regular order of business.

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It will be noted that Rule 20(2) of the House of Representatives requires that "*all measures affecting a fee imposed by the State or any subdivision thereof*" are classified roll–call measures for the purpose of spreading the ayes and noes on the Journal. Though the Senate Rules do not require, the Rule of the House of Representatives is honored and the measures are considered as roll–call measures, unless ruled otherwise by the presiding officer.

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It will be noted the Presiding Officer of the Senate rules in a number of instances that "*the bill does not require a call of the roll*" or "*requires a call of the roll.*" The ruling is made pursuant to the following citation which reads:

North Carolina Constitution--Article II

Sec. 23.—*Revenue bills.* No laws shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several reading, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

It will be noted that numerical figures appear within parentheses throughout the Senate Journal. These figures represent the affirmative and negative votes cast and recorded electronically, pursuant to Senate Rule 25. Copies of the voting print-out are on file in the Legislative Library and the original is deposited in the Division of Archives and History of the Department of Cultural Resources.

Sylvia Fink
Principal Clerk

REPORTS TO 1995 GENERAL ASSEMBLY

A complete listing of reports received from Boards, Commissions and Agencies directed to report to the 1995 General Assembly through adjournment *sine die* will appear in the Senate Journal for the Second Session. An itemized listing of those reports received during the First Session appear in the alphabetical index under **Reports** (Submitted to General Assembly).

H.B. 229 (Proposed Conference Committee Substitute 9153)
June 22, 1995—See page 904

HOUSE AND SENATE CONFERENCE REPORT ON THE CONTINUATION BUDGET June 21, 1995

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Conference Appropriations Committee Report Summary - Continuation Budget 1995-96

	Positions	Recommendation	Decreases	Increases	Transfers	Net Change	Revised Appropriation
Education:							
Public Education	-53	3,955,242,662	(36,578,920)	3,625,276	762,708	(32,190,936)	3,923,051,726
University	-43	1,292,929,075	(17,446,559)	76,130		(17,370,429)	1,275,558,646
Community Colleges	-8	440,575,590	(4,405,756)			(4,405,756)	436,169,834
Subtotal		5,688,747,327	(58,431,235)	3,701,406	762,708	(53,967,121)	5,634,780,206
General Government:							
Administration	-18.25	53,894,365	(1,854,554)			(1,854,554)	52,039,811
Administrative Hearings		2,054,044	(12,403)			(12,403)	2,041,641
Auditor	-1	9,079,419	(256,626)			(256,626)	8,822,793
Board of Elections		835,456				0	835,456
Cultural Resources	-19	44,828,545	(702,839)			(702,839)	44,125,706
General Assembly		28,258,680	(945,000)			(945,000)	27,313,680
Governor's Office							
Governor's Office	-8.3	5,857,348	(261,050)		(762,708)	(1,023,758)	4,833,590
State Budget & Mgnt	-1	3,545,530	(103,366)			(103,366)	3,442,164
State Planning	-1	1,839,923	(48,844)			(48,844)	1,791,079
Insurance	-1	15,301,180	(1,384,095)	4,508,081		3,123,986	18,425,166
Lt. Governor	-1	651,460	(74,147)			(74,147)	577,313
Revenue	-24	62,341,759	(2,634,783)			(2,634,783)	59,706,976
Rules Review Comm.		262,661				0	262,661
State Controller	-3	9,600,314	(881,827)			(881,827)	8,718,487
Secretary of State	-6	5,237,298	(656,811)			(656,811)	4,580,487
State Treasurer	Receipts	14,529,661	(1,036,593)			(1,036,593)	13,493,068
Subtotal		258,117,643	(10,852,938)	4,508,081	(762,708)	(7,107,565)	251,010,078

H.B. 229 (PCCS–9153) Continuation Budget Report
Summary – Continuation Budget 1995–96 (Continued)

	Positions	Recommendation	Decreases	Increases	Transfers	Net Change	Revised Appropriation
Human Resources							
Secretary's Office	-12	25,740,773	(1,961,642)			(1,961,642)	23,779,131
Aging Division		12,935,585	(9,618)			(9,618)	12,925,967
Child Development	-1	125,173,592	(5,036,120)			(5,036,120)	120,137,472
Services for Deaf/HH	-12.5	26,738,178	(549,901)			(549,901)	26,188,277
Social Services	-35	213,254,240	(16,317,494)			(16,317,494)	196,936,746
Medical Assistance	-5	1,058,766,813	(13,689,187)			(13,689,187)	1,045,077,626
Blind Services	-5.5	15,477,722	(227,331)			(227,331)	15,250,391
Mental Health	-25	488,745,585	(15,083,115)			(15,083,115)	473,662,470
Facility Services	-6	9,382,519	(184,150)			(184,150)	9,198,369
Vocational Rehab	-4	26,710,145	(482,578)			(482,578)	26,227,567
Youth Services	-20	73,851,136	(3,061,680)			(3,061,680)	70,789,456
Local Programs–							
Jordan/Adams		1,360,402	(1,360,402)			(1,360,402)	0
Subtotal		2,078,136,690	(57,963,218)	0	0	(57,963,218)	2,020,173,472
Justice & Public Safety							
Correction	-120	786,869,395	(31,208,788)	7,769,651		(23,439,137)	763,430,258
Crime Control	-5	31,615,721	(257,953)			(257,953)	31,357,768
Judicial	-58.5	281,007,159	(4,608,319)			(4,608,319)	276,398,840
Justice	0	57,725,272	(1,603,686)			(1,603,686)	56,121,586
Subtotal		1,157,217,547	(37,678,746)	7,769,651	0	(29,909,095)	1,127,308,452
Natural & Economic Resources							
Agriculture	-8	46,655,044	(1,158,565)			(1,158,565)	45,496,479
Commerce	-8	36,263,089	(2,135,359)	100,301		(2,035,058)	34,228,031
MCNC		21,580,000	(1,815,000)			(1,815,000)	19,765,000
Biotechnology		8,014,396	(350,000)			(350,000)	7,664,396
REDC		3,570,000	(400,000)			(400,000)	3,170,000
En/Health/							
Nat. Resources	-91.47	236,418,129	(9,398,741)			(9,398,741)	227,019,388

	Positions	Recommendation	Decreases	Increases	Transfers	Net Change	Revised Appropriation
Natural & Economic Resources (Continued)							
Gov's Office-Housing Finance		2,300,000				0	2,300,000
Labor	-3	15,570,386	(516,074)			(516,074)	15,054,312
Subtotal		370,371,044	(15,773,739)	100,301	0	(15,673,438)	354,697,606
Transportation		9,650,571	(116,571)			(116,571)	9,534,000
Reserves:							
Contingency & Emergency		1,125,000				0	1,125,000
Compensation Increase		2,000,000				0	2,000,000
Salary Adjustment Fund		1,000,000				0	1,000,000
Debt Service		116,805,051				0	116,805,051
Retirement Adjustment		0	(4,930,400)	5,256,000		325,600	325,600
Fixed Period for Amortization		0	(6,410,000)			(6,410,000)	(6,410,000)
Subtotal		120,930,051	(11,340,400)	5,256,000	0	(6,084,400)	114,845,651
Total Appropriations	-607.5	9,683,170,873	(192,156,847)	21,335,439	0	(170,821,408)	9,512,349,465

(Pages III-IV)

Conference Appropriation Committee Report Summary - Continuation Budget - 1996-97

Education:							
Public Education	-53	4,006,784,737	(34,711,104)	15,307,359	762,708	(18,641,037)	3,988,143,700
University	-43	1,308,020,563	(19,134,063)	141,130		(18,992,933)	1,289,027,630
Community Colleges	-8	441,204,582	(439,257)			(439,257)	440,765,325
Subtotal		5,756,009,882	(54,284,424)	15,448,489	762,708	(38,073,227)	5,717,936,655

H.B. 229 (PCCS–9153) Continuation Budget Report
Summary – Continuation Budget 1995–96 (Continued)

	Positions	Recommendation	Decreases	Increases	Transfers	Net Change	Revised Appropriation
General Government:							
Administration	-18.25	55,149,126	(1,854,399)			(1,854,399)	53,294,727
Administrative Hearings		2,058,539	(12,403)			(12,403)	2,046,136
Auditor	-1	9,085,466	(256,626)			(256,626)	8,828,840
Board of Elections		835,673				0	835,673
Cultural Resources	-19	45,774,064	(748,434)			(748,434)	45,025,630
General Assembly		31,647,253	(945,000)			(945,000)	30,702,253
Governor's Office							
Governor's Office	-8.3	5,876,386	(261,050)		(762,708)	(1,023,758)	4,852,628
State Budget & Mgnt	-1	3,681,945	(103,366)			(103,366)	3,578,579
State Planning	-1	1,842,328	(48,844)			(48,844)	1,793,484
Insurance	-1	15,334,792	(1,384,095)	4,515,699		3,131,604	18,466,396
Lt. Governor	-1	652,876	(74,147)			(74,147)	578,729
Revenue	-24	62,236,933	(2,634,783)			(2,634,783)	59,602,150
Rules Review Comm.		262,661				0	262,661
State Controller	-3	9,609,507	(881,827)			(881,827)	8,727,680
Secretary of State	-6	5,291,477	(658,624)			(658,624)	4,632,853
State Treasurer	Receipts	14,531,793	(1,030,646)			(1,030,646)	13,501,147
Subtotal		263,870,819	(10,894,244)	4,515,699	(762,708)	(7,141,253)	256,729,566
Human Resources							
Secretary's Office	-12	25,764,441	(2,073,588)			(2,073,588)	23,690,853
Aging Division		12,936,344	(9,618)			(9,618)	12,926,726
Child Development	-1	132,033,335	(5,081,994)			(5,081,994)	126,951,341
Services for Deaf/HH	-12.5	26,881,332	(550,272)			(550,272)	26,331,060
Social Services	-35	217,892,167	(17,577,319)			(17,577,319)	200,314,848
Medical Assistance	-5	1,184,125,141	(14,353,065)			(14,353,065)	1,169,772,076
Blind Services	-5.5	15,447,798	(276,774)			(276,774)	15,171,024
Mental Health	-25	489,882,766	(18,651,300)			(18,651,300)	471,231,466
Facility Services	-6	9,398,717	(271,767)			(271,767)	9,126,950

H.B. 229 (PCCS–9153) Continuation Budget Report
Summary – Continuation Budget 1995–96 (Continued)

	Positions	Recommendation	Decreases	Increases	Transfers	Net Change	Revised Appropriation
Human Resources (Continued)							
Vocational Rehab	-4	27,054,141	(535,305)			(535,305)	26,518,836
Youth Services	-20	73,909,372	(4,595,819)			(4,595,819)	69,313,553
Local Programs-							
Jordan/Adams		2,851,856	(2,851,856)			(2,851,856)	0
Subtotal		2,218,177,410	(66,828,677)	0	0	(66,828,677)	2,151,348,733
Justice & Public Safety							
Correction	-124	812,019,943	(27,814,077)	7,202,013		(20,612,064)	791,407,879
Crime Control	-5	31,362,631	(257,953)			(257,953)	31,104,678
Judicial	-68.5	284,724,816	(5,371,969)			(5,371,969)	279,352,847
Justice		58,295,638	(1,603,686)			(1,603,686)	56,691,952
Subtotal		1,186,403,028	(35,047,685)	7,202,013	0	(27,845,672)	1,158,557,356
Natural & Economic Resources							
Agriculture	-8	46,929,358	(1,183,565)			(1,183,565)	45,745,793
Commerce	-8	36,282,892	(2,293,511)	116,512		(2,176,999)	34,105,893
MCNC		21,580,000	(1,815,000)			(1,815,000)	19,765,000
Biotechnology		8,014,396	(350,000)			(350,000)	7,664,396
REDC		3,570,000	(400,000)			(400,000)	3,170,000
En/Health/Nat. Resources	-91.47	236,798,223	(9,824,645)			(9,824,645)	226,973,578
Gov's Office- Housing Finance		2,300,000				0	2,300,000
Labor	-3	15,418,551	(516,074)			(516,074)	14,902,477
Subtotal		370,893,420	(16,382,795)	116,512	0	(16,266,283)	354,627,137
Transportation		10,263,781	(116,571)			(116,571)	10,147,210

H.B. 229 (PCCS–9153) Continuation Budget Report
Summary – Continuation Budget 1995–96 (Continued)

	Positions	Recommendation	Decreases	Increases	Transfers	Net Change	Revised Appropriation
Reserves:							
Contingency & Emergency		1,125,000			0	0	1,125,000
Compensation Increase		2,000,000			0	0	2,000,000
Salary Adjustment Fund		1,500,000			0	0	1,500,000
Debt Service		115,113,536			0	0	115,113,536
Retirement Adjustment		0	(4,930,400)	5,256,000		325,600	325,600
Fixed Period for Amortization		0	(6,410,000)			(6,410,000)	(6,410,000)
Subtotal		119,738,536	(11,340,400)	5,256,000	0	(6,084,400)	113,654,136
Total Appropriations	-621.52	9,925,356,876	(194,894,796)	32,538,713	0	(162,356,083)	9,763,000,793

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND
(Pages 1A–2A)

	FY 95–96	FY 96–97
COMMUNITY COLLEGES		
Recommended Continuation Budget	**$440,575,590**	**$441,204,582**
Continuation Budget Changes		
Department of Community Colleges		
1 **Department of Community Colleges Reduction–** Reduce the budget of the Department of Community Colleges by eliminating the salaries and benefits of the following vacant positions: Executive Assistant II, Program Assistant V, Accounting Clerk V, Storeroom Manager, Office Assistant IV, Office Assistant IV, Data Entry Operator II, Extension Education & Training Specialist IV. The Department of Community Colleges shall not eliminate program auditor positions.	($245,926)**R** -8	($245,926)**R** -8
2 **Department of Community Colleges Travel Cut –** Reduce travel by $4,074.	($4,074)**R**	($4,074)**R**
3 **Reduce Supplies and Equipment-DCC** Reduce the Department of Community Colleges'supplies and equipment budget.	($9,603)**R**	($9,603)**R**
4 **Rate Reduction by SIPS–** State Information Processing Services (SIPS) reduced telecommunication rates by 5.7% due to efficient and effective management of services. This will reduce the costs in the Department of Community Colleges.	($3,998)**R**	($3,998)**R**
State Aid-Institutions		
5 **Visiting Artist Program–** Eliminate the remaining funds used by colleges to operate the Visiting Artist Program in the Community Services Block Grant.	($175,656)**R**	($175,656)**R**
6 **Across-the-Board Reductions in All Programs–** Reduce all community college programs and the formula by approximately .9%. (Budget codes 1600 and 1700)	$0 **R** ($3,966,499)**NR**	
Continuation Budget Changes	**($439,257)** **($3,966,499)NR**	**($439,257)**
Total Position Changes	-8.00	-8.00
Revised Continuation Budget	**$436,169,834**	**$440,765,325**

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND

(Pages 3A–4A) FY 95–96 FY 96–97

PUBLIC EDUCATION

Recommended Continuation Budget **$3,955,242,662** **$4,006,784,737**

Continuation Budget Changes

Department of Public Instruction

7 **Reduce the Department of Public Instruction** ($9,318,436)**R** ($10,665,341)**R**
Reduction and reorganization of the Department of Public Instruction.

8 **Reduce State Information Processing Center Charges** ($249,929)**R** ($249,929)**R**
Reduce funding for charges paid by the Department of Public Instruction to the State Information Center (SIPS).

Reserves and Transfers

9 **Reduce Non state Programs** ($49,362)**R** ($49,362)**R**
Reduce state funding for non state programs not operated by the public schools, Health Adventure.

State Aid to Local School Administrative Units

10 **Reduce Central Office Positions** ($2,570,388)**R** ($2,565,539)**R**
Reduce state funding by 5% for central office positions in local school systems. -53 -53

11 **Worker's Compensation Costs** ($2,093,500)**R** ($2,621,800)**R**
Prorate cost of workers compensation based on the share paid by state and local government.

12 **Eliminate Outcome Based Education Pilot Project** ($3,003,339)**R** ($3,003,339)**R**
Eliminate funding and statutory authority for the Outcome Based Education Pilot Project.

13 **Adjust Estimated Average Salary Costs** ($8,566,444)**R** ($8,722,186)**R**
Adjust salary requirements for the continuation budget by basing the salary calculations on the November, 1994 payroll costs.

14 **Sick Leave Bank Funding** ($1,000,000)**R** ($1,000,000)**R**
Adjust continuation funding for the sick leave bank to reflect actual experience. Retain the statutory authority for the sick leave bank, if local schools wish to utilize this program.

15 **Average Salary and Average Daily Membership** ($102,246)**R** $11,473,751 **R**
Adjust average salary for the continuation budget to reflect the December 1994 payroll. FY1995–96 ($3,727,522) and FY 1996–97 ($3,833,608). Adjust average daily membership

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND

PUBLIC EDUCATION (Continued)	FY 95-96	FY 96-97
to reflect the 1994 best three out of the first four months experience. While total ADM decreased 840 students from the Governors projected increase of 22,500 ADM in FY1995-96, greater enrollment increases in grades K-6, where class sizes are lower, results in a net increase in costs. In FY1996-97 total ADM rises, but increases were heavily concentrated in K-6.		
16 **Reduce Career Development Funds** Reduce funding to former Career Development Pilot Projects, but hold harmless personnel based on the FY1994-95 salary.	($6,000,000)R	($2,000,000)R
State Board of Education		
17 **Transfer Ed. Standards and Accountability Comm.** Transfer the Standards and Accountability Commission from the Governor's Office to the State Board of Education. Commission continues to exist as an independent board.	$508,127 R	$508,127 R
18 **Transfer NC Standards Board for Public School Adm.** Transfer the NC Standards for Public School Administration from the Governor's Office to the State Board of education.	$254,581 R	$254,581 R
Continuation Budget Changes	($32,190,936)R	($18,641,037)R
Total Position Changes	-53.00	-53.00
Revised Continuation Budget	$3,923,051,726	$3,988,143,700

(Pages 5A-7A)

UNC SYSTEM

Recommended Continuation Budget	**$1,292,929,075**	**$1,308,020,563**
Continuation Budget Changes		
A. Reduce Base Budget Increases		
19 **Eliminate Certain Salary Related Increases** Deletes increases in Workmen's Compensation, overtime, tort claims, disability, Unemployment Compensation, and temporary wages since actual costs can be paid from lapsed salary funds.	($588,197)R	($431,006)R
20 **Reduce Inflationary Rates for Library Books** The proposed budget uses an inflationary rate of 9.7%; the reduction allows an increase of 4.4% which is the actual inflationary rate for one year.	($1,234,544)R	($1,348,286)R

H.B. 229 (PCCS–9153) **Continuation Budget Report**

UNC SYSTEM (Continued)	GENERAL FUND FY 95–96	GENERAL FUND FY 96–97
21 **Reserves for New Facilities: Adjust Amounts** Reserves are adjusted for changes in completion dates, accounting for receipts from non-General Fund occupants, and elimination of expansion of non-facility operations.	($459,032)**R**	($840,616)**R**
22 **UNC Hospitals: Delete Proposed Increase** Deletes the proposed increase in the General Fund appropriations for UNC Hospitals, which operates as an enterprise fund.	($1,844,321)**R**	($2,525,559)**R**
23 **Reduce Utilities Increases** Reduce utilities increase at UNC-Chapel Hill by amount included to repay campus for capital costs on self-liquidating construction project.	($1,000,000)**R**	($1,000,000)**R**
B. Non-Personnel Operations		
24 **Reduce Equipment Budgets** Cuts equipment purchase budgets for all programs	($1,854,691)**R**	($1,854,691)**R**
25 **Telephone Charges** Reduce due to rate decreases by State Information Processing Systems agency.	($241,236)**R**	($241,236)**R**
C. Position Reductions		
26 **Reduce EPA Non-Teaching Positions** Delete non-teaching staff exempt from the State Personnel Act (EPA); allow flexibility in determining where to cut.	($2,700,600)**R** -43	($2,700,600)**R** -43
F. Overhead Receipts		
27 **Budget Increases at UNC General Administration** Budgets increased amounts from research campuses; requires UNC General Administration to spend down cash balance.	($188,135)**R** ($2,000,000)**NR**	($188,135)**R**
28 **Freeze Overhead Receipts to General Fund at 10%** Keeps portion of overhead receipts that support General Fund operations at 10% level for two years; increases estimates at research campuses to current level.	($3,742,903)**R**	($7,109,534)**R**
G. Related Educational Programs		
29 **Social Work Scholarship Loans** Eliminate new grants for scholarship loan program begun in 94-95.		($150,000)**R**
30 **Other Scholarships: Reduce Fund Balance** Reduce budget the first year to allow use of fund balance in non-reverting account.	($650,000)**NR**	

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND

UNC SYSTEM (Continued)	FY 95–96	FY 96–97
31 **Contract Programs: Reduce Optometry Contracts** This action will reduce the number of budgeted spaces for N.C. students due to unused spaces this year. There will still be an increase in the budgeted spaces over the actual number used.	($42,900)**R**	($44,400)**R**
32 **Legislative Tuition Grants: Off-Campus Programs** Delete requirement that grants to students attending private colleges at off-campus sites receive lower grants if tuition is lower than on-campus rates.	$76,130 **R**	$76,130 **R**
J. UNC-Chapel Hill		
33 **Reduce Funding for Smith Center** Eliminate $400,000 added to General Fund budget in 1994–95 from non-recurring funds for operation of this facility used primarily for intercollegiate athletics	($400,000)**R**	($400,000)**R**
34 **Center for Alcohol Studies Endowment.** This action brings General Fund appropriations in line with the amount collected in receipts and transferred to the General Fund for this purpose.	($200,000)**R**	$65,000 **R**
35 **Health Affairs: Increase Receipts** Currently continuing education courses for health professionals are primarily supported by General Fund appropriations. This would require those taking the courses to pay higher course fees.	($300,000)**R**	($300,000)**R**
Continuation Budget Changes	**($14,720,429)R** **($2,650,000)NR**	**($18,992,933)R**
Total Position Changes	-43.00	-43.00
Revised Continuation Budget	**$1,275,558,646**	**$1,289,027,630**

(Pages 1B–3B)

ADMINISTRATION

Recommended Continuation Budget	**$53,894,365**	**$55,149,126**
Continuation Budget Changes		
(0000) All Divisions		
1 **Reduce Supplies & Equipment**	($183,316)**R**	($183,161)**R**
2 **Reduce telecommunication charges**	($33,038)**R**	($33,038)**R**
(0000) Miscellaneous Divisions		
3 **Adjust Current Obligations line item**	($26,500)**R**	($26,500)**R**
(1412) State Property -10,000		
(1734) Rape Crisis -1,500		
(1771) Veteran's Affairs -15,000		
(1122) DOA Personnel		
4 Abolish Position	($37,370)**R** -1.00	($37,370)**R** -1.00

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND

	ADMINISTRATION (Continued)		FY 95–96	FY 96–97
	(1311) Office of State Personnel			
5	**1211 Personal Services**		($226,004)**R**	($226,004)**R**
	Eliminate three (3) positions: Personnel Analyst (#4901), Personnel Analyst II (#4621), and EPA Field Representative (#4981). Reduce the FTE status to abolish 1.25 positions: Personnel Analyst II (#4990) and (#4994), and Personnel Assistant V (#4125) to 3/4 time; and State Personnel Administrator (#4010) to 1/2 time. Adjust salaries and related benefits for all positions.		-4.25	-4.25
6	**3800 Data Processing Services**		($19,867)**R**	($19,867)**R**
	Adjust funding due to decrease in SIPS data processing service rates.			
	(1411) State Construction			
7	**Abolish one position**		($59,144)**R**	($59,144)**R**
			-1.00	-1.00
	(1421) Facilities Management			
8	**Reduce miscellaneous line items**		($763,100)**R**	($763,100)**R**
	Abolish 4 vacant positions	-90,426		
	Employee Benefits	-23,772	-4.00	-4.00
	Supplies & Materials	-185,800		
	Current Obligations	-301,146		
	Equipment	-174,702		
	Lost Receipts	12,746		
9	**Reduce Equipment line item**		($100,000)**R**	($100,000)**R**
	(1511) Purchasing & Contracts			
10	**Abolish three positions**		($89,006)**R**	($89,006)**R**
			-3.00	-3.00
	(1623) State Capital Police			
11	**Abolish three positions**		($80,310)**R**	($80,310)**R**
			-3.00	-3.00
	(1771) Veteran's Affairs			
12	**Abolish one position**		($50,275)**R**	($50,275)**R**
			-1.00	-1.00
13	**Reduce Equipment line item**		($106,371)**R**	($106,371)**R**
	(1861) Commission on Indian Affairs			
14	**Abolish one position**		($58,153)**R**	($58,153)**R**
			-1.00	-1.00
	(1871) Science and Technology Research			
15	**Reduce research grants**		($11,900)**R**	($11,900)**R**
	(1872) Low-level Radioactive Waste Management			
16	**Reduce Contracted Services**		($10,200)**R**	($10,200)**R**
	Continuation Budget Changes		**($1,854,554)**	**($1,854,399)**
	Total Position Changes		-18.25	-18.25
	Revised Continuation Budget		**$52,039,811**	**$53,294,727**

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND

(Page 4B)	FY 95-96	FY 96-97
AUDITOR		
Recommended Continuation Budget	**$9,079,419**	**$9,085,466**
Continuation Budget Changes		
(0000) All Divisions		
17 **Reduce telephone line item**	($1,119)**R**	($1,119)**R**
18 **Make DP Services receipt-supported**	($26,862)**R**	($26,862)**R**
(1210) Field Audit		
19 **Budget over-realized receipts**	($205,623)**R**	($205,623)**R**
20 **Abolish vacant support position**	($23,022)**R**	($23,022)**R**
1200 Salaries (17,946)		
1800 Benefits (5,076)	-1.00	-1.00
Continuation Budget Changes	**($256,626)R**	**($256,626)R**
Total Position Changes	-1.00	-1.00
Revised Continuation Budget	**$8,822,793**	**$8,828,840**

(Pages 5B–11B)

CULTURAL RESOURCES		
Recommended Continuation Budget	**$44,828,545**	**$45,774,064**
Continuation Budget Changes		
(1110) Office of the Secretary		
21 **2000 Supplies and Materials** Reduce funds for office and other supplies.	($688)**R**	($688)**R**
22 **3210 Telephone Expense** Adjust funding due to decrease in SIPS telecommunications service rates.	($556)**R**	($556)**R**
23 **5000 Capital Outlay** Reduce funds for office furniture and other equipment.	($373)**R**	($1,540)**R**
(1120) Administrative Services		
24 **1411 Personal Services** Reduce funds for temporary salaries.	($290)**R**	($290)**R**
25 **2000 Supplies and Materials** Adjust funds for motor vehicle, office, and other supplies.	($982)**R**	($982)**R**
26 **3210 Telephone Expense** Adjust funding due to decrease in SIPS telecommunications service rates.	($774)**R**	($774)**R**
27 **5000 Capital Outlay** Reduce funds for office furniture; and office, data processing, and other equipment.	($200)**R**	($400)**R**
(1210) Archives and History		
28 **2000 Supplies and Materials** Adjust appropriation for motor vehicle, office and other supplies.	($2,263)**R**	($2,263)**R**
29 **3000 Current Obligations** Adjust funding due to decrease in SIPS telecommunications service rates; and reduce printing and binding costs.	($4,589)**R**	($4,589)**R**

H.B. 229 (PCCS–9153) Continuation Budget Report	GENERAL FUND	
CULTURAL RESOURCES (Continued)	FY 95–96	FY 96–97
30 **5000 Capital Outlay**	($7,906)R	($7,906)R
Adjust funds for office furniture; office, data processing, and other equipment; and books.		
31 **6420 Roanoke Island Commission**	($5,000)R	($5,000)R
Adjust funds for commission operation.		
(1220) Scholarly Publications		
32 **1211 Personal Services**	($36,139)R	($36,139)R
Eliminate salary and related benefits of one (1) position.	-1.00	-1.00
33 **2000 Supplies and Materials**	($740)R	($740)R
Reduce funds for motor vehicle, office, and other supplies.		
34 **3210 Telephone Expense**	($103)R	($103)R
Adjust funding due to decrease in SIPS telecommunications service rates.		
35 **5000 Capital Outlay**	($520)R	($520)R
Reduce funds for office furniture; office, data processing, and other equipment; and data processing software.		
(1230) Archives and Records		
36 **1211 Personal Services**	($107,351)R	($107,351)R
Eliminate salaries and related benefits of three (3) positions.	-3.00	-3.00
37 **1950 Personal Services**	($500)R	($500)R
Adjust funding for honorariums.		
38 **1990 Personal Services**	($1,000)R	($1,000)R
Reduce funds for contractual personal services.		
39 **2000 Supplies and Materials**	($10,250)R	($10,250)R
Adjust funds for motor vehicle, office, and other supplies.		
40 **3000 Current Obligations**	($796)R	($796)R
Adjust funding due to decrease in SIPS telecommunications service rates. Reduce printing and binding, and advertising costs.		
41 **5000 Capital Outlay**	($648)R	($648)R
Reduce costs for office furniture; and office, data processing, and other equipment.		
(1241) Historic Sites		
42 **1211 Personal Services**	($100,865)R	($100,865)R
Eliminate salaries and related benefits of four (4) positions.	-4.00	-4.00
43 **1990 Personal Services**	($3,000)R	($3,000)R
Reduce funding for Contractual personal services.		
44 **2000 Supplies and Materials**	($8,429)R	($8,429)R
Reduce funds for motor vehicle, office, and other supplies.		

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND

	CULTURAL RESOURCES (Continued)	FY 95-96	FY 96-97
45	**3000 Current Obligations** Reduce funds for In-State subsistence, and other repairs and maintenance. Adjust funding due to decrease in SIPS telecommunications service rates.	($29,877)**R**	($29,877)**R**
46	**5000 Capital Outlay** Reduce funds for office furniture; data processing equipment and software; and other equipment.	($3,301)**R**	($3,301)**R**
47	**0610 Receipts** Increase underbudgeted receipts from rental income.	($2,500)**R**	($2,500)**R**
	(1242) Tryon Palace		
48	**2000 Supplies and Materials** Reduce funds for motor vehicle, office, and other supplies; and special events.	($1,976)**R**	($1,976)**R**
49	**3210 Telephone Expense** Adjust funding due to decrease in SIPS telecommunications service rates.	($1,089)**R**	($1,089)**R**
50	**5000 Capital Outlay** Reduce funds for office furniture; office, data processing and other equipment; data processing software; and books.	($400)**R**	($400)**R**
	(1243) State Capital Section		
51	**2000 Supplies and Materials** Reduce funds for office and other supplies.	($160)**R**	($160)**R**
52	**3210 Telephone Expense** Adjust funding due to decrease in SIPS telecommunications service rates.	($254)**R**	($254)**R**
53	**5000 Capital Outlay** Adjust funding for data processing and other equipment.	($35)**R**	($35)**R**
	(1250) Historic Preservation		
54	**2000 Supplies and Materials** Reduce costs for motor vehicle, office, and other supplies.	($2,262)**R**	($2,262)**R**
55	**3210 Telephone Expense** Adjust funding due to decrease in SIPS telecommunications service rates.	($596)**R**	($596)**R**
56	**4120 Fixed Charges and Expense** Reduce funding for office rental.	($3,000)**R**	($3,000)**R**
57	**5000 Capital Outlay** Reduce funds for office furniture; office, data processing, and other equipment; and data processing software.	($122)**R**	($122)**R**
	(1270) Museum of History		
58	**1211 Personal Services** Eliminate salaries and related benefits of nine (9) positions.	($258,671)**R** -9.00	($258,671)**R** -9.00
59	**2000 Supplies and Materials** Reduce funds for motor vehicle, office, and other supplies.	($12,393)**R**	($12,393)**R**

H.B. 229 (PCCS–9153) **Continuation Budget Report**	GENERAL FUND	
CULTURAL RESOURCES (Continued)	FY 95-96	FY 96-97
60 **3000 Current Obligations**	($16,890)**R**	($16,890)**R**
Reduce funds for In-State subsistence, and other repairs. Adjust funds due to decrease in SIPS telecommunications service rates.		
61 **5000 Capital Outlay**	($6,809)**R**	($6,809)**R**
Reduce funding for office furniture; office , communication, data processing, and other equipment; exhibits; artifacts purchases and fire loss; and books.		
(1290) Western Office		
62 **2000 Supplies and Materials**	($430)**R**	($430)**R**
Adjust funding for office and other supplies.		
63 **3210 Telephone**	($373)**R**	($373)**R**
Adjust funding due to decrease in SIPS telecommunications service rates.		
64 **5000 Capital Outlay**	($1,680)**R**	($1,680)**R**
Reduce funds for office furniture; office, data processing, and other equipment; and data processing software.		
(1320) NC Museum of Art		
65 **2000 Supplies and Materials**	($9,874)**R**	($9,874)**R**
Reduce funding for maintenance and repair; and motor vehicle, office, and other supplies.		
66 **3210 Telephone Expense**	($1,263)**R**	($1,263)**R**
Adjust funding due to decrease in SIPS telecommunications service rates.		
67 **5000 Capital Outlay**	($2,072)**R**	($2,072)**R**
Reduce funds for office furniture; office, data processing, and other equipment; data processing software; exhibits; and books.		
(1330) Arts Council		
68 **2000 Supplies and Materials**	($147)**R**	($147)**R**
Adjust funding for office and other supplies.		
69 **3210 Telephone Expense**	($649)**R**	($649)**R**
Adjust funding due to decrease in SIPS telecommunications service rates.		
70 **5000 Capital Outlay**	($140)**R**	($140)**R**
Adjust funding for office furniture; office, communications, data processing, and other equipment; and data processing software.		
(1340) NC Symphony		
71 **2000 Supplies and Materials**	($126)**R**	($126)**R**
Adjust funding for office supplies.		
72 **3210 Telephone Expense**	($351)**R**	($351)**R**
Adjust funding due to decrease in SIPS telecommunications service rates.		
73 **4500 Fixed Charges and Expense**	($6,000)**R**	($6,000)**R**
Reduce funds for insurance and bonding.		

H.B. 229 (PCCS–9153) **Continuation Budget Report**	GENERAL FUND	
CULTURAL RESOURCES (Continued)	FY 95–96	FY 96–97
74 **5000 Capital Outlay**	($60)**R**	($60)**R**
Reduce funds for office furniture and equipment.		
(1410) State Library Services		
75 **1211 Personal Services**	($34,558)**R**	($78,786)**R**
Eliminate salaries and related benefits of two (2) positions.	-2.00	-2.00
76 **1990 Personal Services**	($4,591)**R**	($4,591)**R**
Reduce funds for contractual personal services.		
77 **2000 Supplies and Materials**	($3,528)**R**	($3,528)**R**
Reduce funding for motor vehicle, office, data processing, and other supplies; and films.		
78 **3000 Current Obligations**	($2,650)**R**	($2,650)**R**
Adjust funding due to decrease in SIPS telecommunications service rates. Reduce printing and binding, and advertising costs.		
79 **5000 Capital Outlay**	($50)**R**	($50)**R**
Adjust funding for office furniture; office, data processing, and other equipment; data processing software; and books.		
Continuation Budget Changes	**($702,839)R**	**($748,434)R**
Total Position Changes	-19.00	-19.00
Revised Continuation Budget	**$44,125,706**	**$45,025,630**

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GENERAL ASSEMBLY		
Recommended Continuation Budget	**$28,258,680**	**$31,647,253**
Continuation Budget Changes		
(1900) Reserves and Transfers		
80 **Reduce contingency reserves**	($945,000)**R**	($945,000)**R**
Reduce contingency reserves 8304 Reserves Contingencies		
Continuation Budget Changes	**($945,000)R**	**($945,000)R**
Total Position Changes		
Revised Continuation Budget	**$27,313,680**	**$30,702,253**

(Pages 13B–14B)

GOVERNOR		
Recommended Continuation Budget	**$5,857,348**	**$5,876,386**
Continuation Budget Changes		
(1110) Administration		
81 **Reduce operating expenses.**	($57,459)**R**	($57,459)**R**
Reduce operating expenses		
1990 Contracted Services (26,000)		
1811 Social Security (1,989)		
2000 Supplies and Materials (20,595)		
3200 Communications (6,945)		
3800 Data Processing Services (1,930)		

H.B. 229 (PCCS–9153) Continuation Budget Report GOVERNOR (Continued)		GENERAL FUND FY 95–96	 FY 96–97
(1130) Intergovernmental Relations			
82 **Abolish two positions.**		($60,542)R	($60,542)R
Abolish two positions			
1100 Personnel	(60,542)	-2.00	-2.00
83 **Reduce salaries & operating expenses**		($57,800)R	($57,800)R
Reduce salaries & operating expenses			
1000 Salaries & Emp. Benefits	(18,800)		
1990 Contractual Services	(39,000)		
(1140) Office of Ombudsman			
84 **Abolish Office of Ombudsman**		($85,249)R	($85,249)R
Abolish Office of Ombudsman			
(1.3 Positions Are Eliminated)		-1.30	-1.30
1000 Salary & Benefits	(75,767)		
2000 Supplies & Materials	(664)		
3000 Current Obligations	(6,818)		
5000 Capital Outlay	(2,000)		
(1230) Education			
85 **Transfer Ed Standards and Accountability Com.**		($508,127)R	($508,127)R
Tansfer Education Standards and Accountability Commission from the Governors Office to the State Board of Education.		-3.00	-3.00
86 **Transfer NC Standards Board for Public School Adm.**		($254,581)R	($254,581)R
Transfer NC Standards Board for Public School Administration from the Governor's Office to the State Board of Education		-2.00	-2.00
Continuation Budget Changes		**($1,023,758)R**	**($1,023,758)R**
Total Position Changes		-8.30	-8.30
Revised Continuation Budget		**$4,833,590**	**$4,852,628**

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INSURANCE

Recommended Continuation Budget		**$15,301,180**	**$15,334,792**
Continuation Budget Changes			
(0000) All Divisions			
87 **Delete Department Salary Reserves.**		($35,574)R	($35,574)R
(1110) Administration			
88 **Reduce miscellaneous line items.**		($33,500)R	($33,500)R
1701 Health Advisory Bd.	(500)		
1912 Attorney Fees	(30,000)		
4000 Fixed Charges	(3,000)		
(1220) Company Services			
89 **Reduce operating expenses.**		($10,000)R	($10,000)R
3000 Current Obligations	(10,000)		

H.B. 229 (PCCS–9153) Continuation Budget Report		GENERAL FUND	
INSURANCE (Continued)		FY 95-96	FY 96-97
90 **Discontinue audit fee charges**		$4,508,081 R	$4,515,699 R
Discontinue audit and examination fee charges. Audit expenditures will be recouped through the Insurance Regulatory Surcharge.			
0511 Audit Services			
(1230) Agent Services			
91 **Increase receipts and reduce operating expenses.**		($37,000)R	($37,000)R
3000 Current Obligations	(10,000)		
5000 Capital Outlay	(12,000)		
0700 Increase Receipts	15,000		
(1240) Consumer Services			
92 **Reduce operating expenses.**		($12,000)R	($12,000)R
3000 Current Obligations	(2,000)		
5000 Capital Outlay	(10,000)		
(1260) Field Services			
93 **Reduce operating expenses.**		($39,000)R	($39,000)R
3000 Current Obligations	(27,000)		
5000 Capital Outlay	(12,000)		
(1311) Engineering			
94 **Abolish position and reduce operating expense.**		($112,021)R	($112,021)R
1000 Salaries and Benefits	(23,021)		
3000 Current Obligations	(13,000)	-1.00	-1.00
0700 Increase Receipts	76,000		
(1313) Manufactured Housing			
95 **Increase receipts.**		($100,000)R	($100,000)R
0700 Receipts	100,000		
(1610) Risk Management			
96 **Reduce operating expenses.**		($5,000)R	($5,000)R
1704 Board Per Diem	(2,000)		
3000 Current Obligations	(3,000)		
(2001) Consumer Protection Fund			
97 **Consumer Protection Fund.**		($1,000,000)R	($1,000,000)R
Consumer Protection Fund eliminated. Further review to be conducted as part of the Expansion Budget.			
Continuation Budget Changes		**$3,123,986 R**	**$3,131,604R**
Total Position Changes		-1.00	-1.00
Revised Continuation Budget		**$18,425,166**	**$18,466,396**

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LIEUTENANT GOVERNOR			
Recommended Continuation Budget		**$651,460**	**$652,876**
Continuation Budget Changes			
(1110) Administration			
98 **Abolish one position and reduce expenses**		($68,062)R	($68,062)R
Abolish one position and reduce expenses			
1000 Salary and Benefits	(67,163)	-1.00	-1.00
3200 Communication	(899)		

H.B. 229 (PCCS–9153) Continuation Budget Report		GENERAL FUND	
LIEUTENANT GOVERNOR (Continued)		FY 95–96	FY 96–97
99 **Reduce operating expenses**		($6,085)R	($6,085)R
Reduce operating expenses			
1990 Other Contr. Services	(2,085)		
4400 Service & Maint. Contr.	(4,000)		
Continuation Budget Changes		**($74,147)R**	**($74,147)R**
Total Position Changes		-1.00	-1.00
Revised Continuation Budget		**$577,313**	**$578,729**

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OFFICE OF ADMINISTRATIVE HEARINGS

Recommended Continuation Budget		**$2,054,044**	**$2,058,539**
Continuation Budget Changes			
(1100) Administration			
100 **Reduce operating expenses**		($1,403)R	($1,403)R
Reduce operating expenses			
3200 Communication	(1,403)		
101 **Reduce operating expenses-2**		($11,000)R	($11,000)R
Reduce operating expenses			
2600 Office Supplies & Mat'ls	(2,000)		
2910 Data Processing Sup.	(2,000)		
3500 Repairs & Maint.	(2,000)		
3800 Data Processing	(5,000)		
Continuation Budget Changes		**($12,403)R**	**($12,403)R**
Total Position Changes			
Revised Continuation Budget		**$2,041,641**	**$2,046,136**

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OFFICE OF STATE PLANNING

Recommended Continuation Budget		**$1,839,923**	**$1,842,328**
Continuation Budget Changes			
(1410) Office of State Planning			
102 **Abolish one position**		($45,103)R	($45,103)R
Abolish one position			
1000 Salary and Benefits	(45,103)	-1.00	-1.00
103 **Reduce operating expenses**		($3,741)R	($3,741)R
Reduce operating expenses			
2000 Supplies & Mat'l	(400)		
3200 Communication	(567)		
3800 Data Processing	(1,911)		
5000 Equipment	(863)		
Continuation Budget Changes		**($48,844)R**	**($48,844)R**
Total Position Changes		-1.00	-1.00
Revised Continuation Budget		**$1,791,079**	**$1,793,484**

H.B. 229 (PCCS–9153) **Continuation Budget Report** (Pages 20B–22B)		GENERAL FUND FY 95-96	FY 96-97
REVENUE			
Recommended Continuation Budget		**$62,341,759**	**$62,236,933**
Continuation Budget Changes			
(1600) Administration			
104 **Abolish two positions**		($93,838)**R**	($93,838)**R**
1200 SPA Salaries	(76,188)		
1800 Emp. Benefits	(17,650)	-2.00	-2.00
105 **Reduce operating expenses**		($989,260)**R**	($989,260)**R**
1900 Contractual Services	(25,000)		
3000 Current Obligations	(885,460)		
4000 Fixed Charges	(78,800)		
106 **Reduce operating expenses-2**		($20,573)**R**	($20,573)**R**
1261 Temporary Wages	(5,000)		
1580 Disability Benefits	(4,573)		
2610 Office Supplies	(11,000)		
(1620) Tax Administration			
107 **Abolish three positions**		($165,089)**R**	($165,089)**R**
Abolish three positions			
1200 SPA Salaries	(134,817)	-3.00	-3.00
1800 Emp. Benefits	(30,272)		
108 **Reduce operating expenses**		($1,328)**R**	($1,328)**R**
Reduce operating expenses			
1241 Emp. on Loan	(1,328)		
(1640) Tax Compliance			
109 **Abolish five positions**		($192,984)**R**	($192,984)**R**
Abolish five positions			
1200 SPA Salaries	(155,387)	-5.00	-5.00
1800 Emp. Benefits	(37,597)		
110 **Increase receipts**		($26,325)**R**	($26,325)**R**
Increase receipts			
0300 Receipts	(26,325)		
(1660) Field Operations			
111 Abolish five positions		($233,607)**R**	($233,607)**R**
Abolish five positions			
1200 SPA Salaries	(189,636)	-5.00	-5.00
1800 Emp. Benefits	(43,971)		
112 **Reduce operating expenses**		($3,000)**R**	($3,000)**R**
Reduce operating expenses			
4000 Fixed Charges	(3,000)		
(1670) Controlled Substances			
113 **Reduce operating expenses**		($30,000)**R**	($30,000)**R**
Reduce operating expenses			
2000 Supplies & Materials	(11,000)		
3100 Travel	(6,000)		
3800 Data Processing	(8,000)		
4100 Rental of Real Prop.	(3,000)		
5100 Office Furniture	(2,000)		
(1680) Legal & Administrative Services			
114 **Abolish nine positions**		($346,393)**R**	($346,393)**R**
Abolish nine positions			
1200 SPA Salaries	(278,728)	-9.00	-9.00
1800 Emp. Benefits	(67,665)		

H.B. 229 (PCCS–9153) **Continuation Budget Report**		GENERAL FUND	
REVENUE (Continued)		FY 95–96	FY 96–97
115 **Reduce operating expenses**		($531,386)**R**	($531,386)**R**
Reduce operating expenses			
2000 Supplies & Materials	(118,374)		
3000 Current Obligations	(273,923)		
4000 Fixed Charges	(30,000)		
5000 Capital Outlay	(59,089)		
0300 Increase Receipts	(50,000)		
116 **Reduce operating expenses–2**		($1,000)**R**	($1,000)**R**
1991 Collection Fees	(1,000)		
Continuation Budget Changes		**($2,634,783)R**	**($2,634,783)R**
Total Position Changes		-24.00	-24.00
Revised Continuation Budget		**$59,706,976**	**$59,602,150**

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SECRETARY OF STATE

Recommended Continuation Budget	**$5,237,298**	**$5,291,477**
Continuation Budget Changes		
(0000) All Divisions		
117 **Reduce Telephone and DP Services line items**	($23,631)**R**	($23,631)**R**
(1110) General Administration		
118 **Reduce tuition fees line item**	($500)**R**	($500)**R**
(1120) Publications		
119 **Reduce printing line item**	($2,500)**R**	($2,500)**R**
(1210) Corporations Division		
120 **Reduce Current Obligations line item**	($4,630)**R**	($4,630)**R**
(1220) Uniform Commercial Code		
121 **Reduce Current Obligations line item**	($3,500)**R**	($3,500)**R**
(1230) Securities Division		
122 **Abolish position, reduce miscellaneous line items**	($32,035)**R** -1.00	($32,035)**R** -1.00
(1240) Business License Information		
123 **Reduce miscellaneous line items**	($6,000)**R**	($6,000)**R**
(1400) Land Records Management		
124 **Abolish positions, adjust operating line items**	($234,080)**R** -5.00	($235,893)**R** -5.00
125 **Eliminate grants**	($349,935)**R**	($349,935)**R**
Continuation Budget Changes	**($656,811)R**	**($658,624)R**
Total Position Changes	-6.00	-6.00
Revised Continuation Budget	**$4,580,487**	**$4,632,853**

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND

(Page 25B)		FY 95-96	FY 96-97
STATE BUDGET AND MANAGEMENT			
Recommended Continuation Budget		**$3,545,530**	**$3,681,945**
Continuation Budget Changes			
(1310) Office of State Budget and Management			
126 **Abolish one position**		($43,366)**R**	($43,366)**R**
Abolish one position			
1000 Salary and Benefits	(43,366)	-1.00	-1.00
127 **Reduce operating expenses**		($21,388)**R**	($21,388)**R**
Reduce operating expenses			
2000 Supplies & Materials	(2,305)		
3200 Communication	(1,930)		
3800 Data Processing	(15,855)		
5000 Equipment	(1,298)		
128 **Reduce operating expenses-2**		($38,612)**R**	($38,612)**R**
Reduce operating expenses			
1990 Contracted Services	(15,000)		
3800 Data Processing	(5,000)		
4400 Service & maint. Contr.	(18,612)		
Continuation Budget Changes		**($103,366)R**	**($103,366)R**
Total Position Changes		-1.00	-1.00
Revised Continuation Budget		**$3,442,164**	**$3,578,579**
(Page 26B)			
STATE CONTROLLER			
Recommended Continuation Budget		**$9,600,314**	**$9,609,507**
Continuation Budget Changes			
(1000) Divisionwide			
129 **1211 Personal Services**		($200,000)**R**	($200,000)**R**
Eliminate salaries and related benefits of three (3) positions: Applications Prog. I (#3575), Computing Consultant III (#3156), and Computing System Analyst III (#3225).		-3.00	-3.00
130 **2000 Supplies and Materials**		($4,973)**R**	($4,973)**R**
Reduce funds for office supplies.			
131 **3212 Telephone Expense**		($6,854)**R**	($6,854)**R**
Adjust funding due to decrease in SIPS telecommunications service rates.			
132 **3820 Data Processing Services**		($650,000)**R**	($650,000)**R**
Adjust funding due to decrease in SIPS data processing service rates.			
133 **5000 Capital Outlay**		($20,000)**R**	($20,000)**R**
Reduce funds for office furniture and equipment, and data processing hardware and software.			
Continuation Budget Changes		**($881,827)R**	**($881,827)R**
Total Position Changes		-3.00	-3.00
Revised Continuation Budget		**$8,718,487**	**$8,727,680**

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND
(Pages 27B-28B) FY 95-96 FY 96-97

TREASURER

Recommended Continuation Budget	**$14,529,661**	**$14,531,793**
Continuation Budget Changes		
(1110) General Administration		
134 **Reduce Data Processing Equipment**	$0 **R**	$0 **R**
$30,000 cut offset by receipt reduction		
135 **Charge Administrative Fees to Divisions**	($377,327)**R**	($377,740)**R**
(1120) Departmental Accounting		
136 **Reduce Data Processing Equipment**	$0 **R**	$0 **R**
$55,000 cut offset by receipt reduction		
(1130) Escheat Administration		
137 **Reduce Line Items, Increase Admin. Fees**	$0 **R**	$0 **R**
-28,366 Year 1		
-26,566 Year 2		
Cuts offset by receipt reduction		
(1150) Data Processing		
138 **Abolish Vacant Position**	$0 **R**	$0 **R**
$46,391 cut offset by receipt reduction	-1.00	-1.00
(1210) Investment Management		
139 **Reduce Line Items, Increase Admin. Fees**	($543,019)**R**	($540,893)**R**
-543,019 Year 1		
-540,893 Year 2		
Cuts offset by reductions in non-tax revenues		
(1220) Banking Operations		
140 **Reduce Line Items, Increase Admin. Fees**	($3,480)**R**	($2,315)**R**
-3,480 Year 1		
-2,315 Year 2		
Cuts offset by reductions in non-tax revenues		
(1310) Local Government Operations		
141 **Reduce Line Items, Increase Admin. Fees**	($112,767)**R**	($109,698)**R**
-112,767 Year 1		
-109,698 Year 2		
Cuts offset by reductions in non-tax revenues		
(1410) Retirement Operations		
142 **Abolish Positions Reduce Lines, Increase Adm. Fees**	$0 **R**	$0 **R**
-1,050 Year 1		
-84,094 Year 2	-7.00	-10.00
Cuts offset by receipts reduction		
Continuation Budget Changes	**($1,036,593)R**	**($1,030,646)R**
Total Position Changes	-8.00	-11.00
Revised Continuation Budget	**$13,493,068**	**$13,501,147**

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND
(Pages 1C-14C) FY 95-96 FY 96-97

HUMAN RESOURCES

Recommended Continuation Budget **$2,078,136,690** **$2,218,177,410**

Continuation Budget Changes

(1.00) Division of Aging

1 **Reduce Supplies and Equipment** ($2,825)R ($2,825)R
Reduce line items for supplies and materials and administrative equipment. This recommendation came from the Government Performance Audit Committee.

2 **Reduce Telecommunications Rates** ($235)R ($235)R
Reduce telecommunications rates by 5.7%.

3 **SIPS Reduction** ($6,558)R ($6,558)R
Reduce the rate for SIPS services by 16.23%.

(2.00) Division of Child Development

4 **Reduce Supplies and Equipment** ($16,096)R ($16,096)R
Reduce line items for supplies and materials and administrative equipment. This recommendation came from the Government Performance Audit Committee.

5 **Reduce Technology Education Funding** ($10,000)R ($40,000)R
Reduce funding for Educational Technology contractual services.

6 **Eliminate Supplemental Head Start Funding** ($37,000)R ($37,000)R
Eliminate supplemental operating funds to selected Head Start programs.

7 **Eliminate Leadership Development Program** ($500,000)R ($500,000)R
Eliminate the contract with the Frank Porter Graham Center to provide leadership training.

8 **Eliminate Staff Development Program** ($370,800)R ($370,800)R
Eliminate funding for staff development grants.

9 **Reduce Telecommunications Rates** ($2,712)R ($2,712)R
Reduce telecommunications rates by 5.7%.

10 **Reduce Subsidized Day Care Funding** ($4,036,001)R ($4,036,001)R
Reduce appropriations for subsidized day care. This reduction will be replaced by increased funding from the Social Services Block Grant. This reduction is related to the collection of receipts from the federal Title IVA-Emergency Assistance program.

11 **Eliminate Positions** ($56,764)R ($72,638)R
Eliminate 1.0 Policy Planning Consultant and 1.0 Program Coordinator. -2.00 -2.00

12 **SIPS Reduction** ($6,747)R ($6,747)R
Reduce the rate for SIPS services by 16.23%.

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND
HUMAN RESOURCES (Continued) FY 95-96 FY 96-97

(3.00) Division of Facility Services

13 **Reduce Supplies and Equipment** ($23,224)R ($23,228)R
Reduce line items for supplies and materials and administrative equipment. This recommendation came from the Government Performance Audit Committee.

14 **Consolidate Administrative Functions** ($115,632)R ($140,019)R
Eliminate 1.0 Facility Surveyor Consultant II, 1.0 CON Project Analyst, 1.0 Data Control Clerk I and 1.0 Data Entry Operator II. -4.00 -4.00

15 **Reduce Management Layers** ($36,896)R ($100,122)R
Eliminate 1.0 Administrative Officer (Facility Licensure Section) and 1.0 Facility Survey Branch Manager. -2.00 -2.00

16 **Reduce Telecommunications Rates** ($6,103)R ($6,103)R
Reduce telecommunications rates by 5.7%.

17 **SIPS Reduction** ($2,295)R ($2,295)R
Reduce the rate for SIPS services by 16.23%.

(4.00) Division of Medical Assistance

18 **Accelerate Carolina Access Enrollment** ($8,357,173)R ($8,395,726)R
Reduce appropriations to reflect acceleration of client participation in managed health care by expanding the Carolina Access program to additional counties and by using HMOs.

19 **Cost Avoidance Efforts for Home Health Service** ($440,000)R ($442,030)R
Reduce appropriations by strengthening third part claims procedures for Home Health Services.

20 **ICF-MR Rate Methodology Adjustments** ($1,468,562)R ($1,475,337)R
Reduce appropriations through the modification of payment rates to private providers of Intermediate Care Services for the Mentally Retarded (ICF/MR), increasing Medicare reimbursements for covered services, and purchasing some services directly from vendors.

21 **Eliminate Position** ($25,143)R ($25,143)R
Eliminate 1.0 Special Assistant to the Director. -1.00 -1.00

22 **Reduce Inflationary Increases** ($3,233,203)R ($3,849,723)R
Reduce inflationary increases for providers by 5%.

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND

	HUMAN RESOURCES (Continued)	FY 95-96	FY 96-97
23	**Reduce Supplies and Equipment** Reduce line items for supplies and materials and administrative equipment. This recommendation came from the Government Performance Audit Committee.	($41,941)**R**	($41,941)**R**
24	**Reduce Telecommunications Rates** Reduce telecommunications rates by 5.7%.	($3,796)**R**	($3,796)**R**
25	**Eliminate Positions** Eliminate 2.0 Temporary State Budget (Grades 61 & 70), 1.0 Attorney I and 1.0 Accountant II.	($90,226)**R** -4.00	($90,226)**R** -4.00
26	**SIPS Reduction** Reduce the rate for SIPS services by 16.23%.	($29,143)**R**	($29,143)**R**
(5.00)	**Division of Mental Health**		
27	**Receipts from Title IVA-Emergency Assistance** Reduce appropriations in anticipation of additional federal funds for Emergency Assistance for Area Mental Health Programs.	($3,180,000)**R**	($6,370,000)**R**
28	**Eliminate Regional Office Positions** Eliminate 1.0 Regional Liaison, 1.0 Accountant II, and 3.0 Administrative Secretaries.	($218,404)**R** -5.00	($218,404)**R** -5.00
29	**Reduce Supplies and Equipment** Reduce line items for supplies and materials and administrative equipment. This recommendation came from the Government Performance Audit Committee.	($2,412,793)**R**	($2,480,410)**R**
30	**Receipts from Title IVA-Emergency Assistance-2** Reduce appropriations for services provided at the Wright and Whitaker Schools in anticipation of additional federal funds for Emergency Assistance.	($539,000)**R**	($539,000)**R**
31	**Reduce Funding to Area Mental Health Programs** Reduce appropriations to Area Mental Health Programs since they are projected to receive additional Medicaid receipts.	($4,294,376)**R**	($4,294,376)**R**
32	**Reduction in Middle Management Positions** Eliminate 1.0 Substance Abuse Program Consultant I and 1.0 Mental Retardation Unit Director.	($106,652)**R** -2.00	($106,652)**R** -2.00

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND

	HUMAN RESOURCES (Continued)	FY 95–96	FY 96–97
33	**Increase Institutional Patient Revenues**	($935,759)**R**	($1,868,803)**R**
	Anticipated increases in patient revenues will decrease the need for general fund appropriations. Adjusted patient revenues are projected as follows:		
	Broughton Hospital $99,554 124,817		
	Cherry Hospital 40,499 100,773		
	Dorothea Dix Hospital 55,812 83,210		
	NC Special Care Ctr (12,073) 54,658		
	John Umstead Hospital (29,161) 1,460		
	Black Mountain Ctr 174,562 232,699		
	Caswell Center 155,964 366,899		
	Murdoch Center 353,650 572,307		
	O'Berry Center (30,120) 103,862		
	Western Carolina Ctr 127,072 228,118		
34	**Increased Patient Revenues**	($2,433,064)**R**	($1,700,000)**R**
	Patient revenues are increased due to increased utilization and adjustments in rates to reflect actual costs.		
35	**Reduce Telecommunications Rates**	($8,138)**R**	($8,138)**R**
	Reduce telecommunications rates by 5.7%.		
36	**Eliminate Management Position**	($14,868)**R**	($14,868)**R**
	Eliminate 1.0 Assistant Chief of Institutional Services (Substance Abuse Section).	-1.00	-1.00
37	**Eliminate EEO Officers**	($184,454)**R**	($184,454)**R**
	Eliminate 8.0 Personnel Analyst I.	-8.00	-8.00
38	**Eliminate Positions**	($565,724)**R**	($676,312)**R**
	Eliminate 1.0 DHR Education Coordinator I, 1.0 Food Service Assistant I, 1.0 Staff Development Specialist I, 1.0, Youth Program Assistant I, 2.0 Personnel Technician III, 1.0 Physician Director IIB, 1.0 Accounting Clerk IV, 1.0 Staff Development Technician II, 1.0 Personnel Technician III, 1.0 Clerk-Typist, 1.0 Printing Equipment Operator III, 1.0 Outreach Specialist I, 1.0 Behavior Program Technician, 1.0 Electrician II, 1.0 Administrative Assistant I, 1.0 Medical Laboratory Technician II and 1.0 Transcribing Typist III.	-18.00	-18.00
39	**SIPS Reduction**	($189,883)**R**	($189,883)**R**
	Reduce the rate for SIPS services by 16.23%.		
	(6.00) Office of the Secretary		
40	**Federal Revenue Maximization Fund**	($500,000)**R**	($500,000)**R**
	DHR has developed a plan for maximizing federal revenues and these additional revenues will reduce the need for state appropriations throughout the department.		

H.B. 229 (PCCS–9153) Continuation Budget Report	GENERAL FUND	
HUMAN RESOURCES (Continued)	FY 95–96	FY 96–97
41 **Reduce Supplies and Equipment**	($60,074)**R**	($60,074)**R**
Reduce line items for supplies and materials and administrative equipment. This recommendation came from the Government Performance Audit Committee.		
42 **Office of Policy Development**	($95,514)**R**	($95,514)**R**
Eliminate 1.0 Director of Policy Development and Research and 1.0 Clerk (III).	-2.00	-2.00
43 **Eliminate N.C. CAN Position**	($45,384)**R**	($45,384)**R**
Eliminate 1.0 Project Director.	-1.00	-1.00
44 **Information Resource Management Reductions**	($69,146)**R**	($69,146)**R**
Eliminate 1.0 Social Services Applications Manager, 1.0 Computer Equipment Operator I and reduce funding for contractual services.	-2.00	-2.00
45 **Receipts from Title IVA-Emergency Assistance**	($42,692)**R**	($42,692)**R**
Reduce appropriations for family preservation services in anticipation of additional federal funds for Emergency Assistance.		
46 **Other Reductions**	($28,768)**R**	($28,768)**R**
Reduce office rent, printing and advertising in the Office of Public Information, and state match for out-of-state subsistence and travel expenses for members of the Developmental Disabilities Council.		
47 **N.C. Health Planning Commission Reductions**	($700,000)**R**	($700,000)**R**
Reduce the Commission's budget to a level consistent with its ongoing responsibilities and eliminate 1.0 Administrative Assistant, 2.0 Clerk-Typists, 1.0 Health Systems Analyst and 1.0 Legal Research Analyst.	-5.00	-5.00
48 **Reduce Telecommunications Rates**	($16,778)**R**	($16,778)**R**
Reduce telecommunications rates by 5.7%.		
49 **Abolish Division of Family Development**	($83,308)**R**	($83,300)**R**
Eliminate the Director of Family Development position and distribute programs to other divisions within the Department of Human Resources.	-1.00	-1.00
50 **Eliminate Positions**	($214,698)**R**	($326,652)**R**
Eliminate 1.0 Program Development Coordinator, 1.0 Information Resource Director I, 1.0 Applications Programmer II, 5.0 Applications Analyst Programmer I, 1.0 Data Base Analyst and 1.0 Personnel Analyst III	-10.00	-10.00

H.B. 229 (PCCS–9153) **Continuation Budget Report**	GENERAL FUND	
HUMAN RESOURCES (Continued)	FY 95-96	FY 96-97
51 **SIPS Reduction**	($5,280)**R**	($5,280)**R**
Reduce the rate for SIPS services by 16.23%.		
52 **Council on Developmental Disabilities Reductions**	($100,000)**R**	($100,000)**R**
Reduce appropriations for the Council on Developmental Disabilities.		
(7.00) Division of Services for the Blind		
53 **Streamline Regional Offices**	($36,367)**R**	($36,367)**R**
Eliminate 1.0 Regional Director.	-1.00	-1.00
54 **Reduce Special Assistance for the Blind Program**	($15,000)**R**	($15,000)**R**
Reduce appropriations to reflect actual expenditures.		
55 **Eliminate Positions at Governor Morehead School**	($78,184)**R**	($78,184)**R**
Eliminate 1.5 Teacher Aides, 1.0 Speech Therapist and 1.0 Sewing Machine Operator I.	-3.50	-3.50
56 **Consolidate Business Office Functions**	($12,124)**R**	($36,371)**R**
Combine the Business Officer positions at the Division of Services for the Blind and the Governor Morehead School into a single, Division-level Business Officer position.	-1.00	-1.00
57 **Reduce Telecommunications Rates**	($3,388)**R**	($3,388)**R**
Reduce telecommunications rates by 5.7%.		
58 **Reallocate Management Position**	($22,488)**R**	($22,488)**R**
Reallocate 1.0 Deputy Director position to a LAN Administrator.		
59 **SIPS Reduction**	($24,561)**R**	($24,561)**R**
Reduce the rate for SIPS services by 16.23%.		
60 **Eliminate Position**	($35,219)**R**	($60,415)**R**
Eliminate 1.0 Public Health Program Supervisor II	-1.00	-1.00
(8.00) Div. of Services for Deaf/Hard of Hearing		
61 **Reduce Supplies and Equipment**	($57,762)**R**	($58,133)**R**
Reduce line items for supplies and materials and administrative equipment. This recommendation came from the Government Performance Audit Committee.		
62 **Reduce Telecommunications Rates**	($3,127)**R**	($3,127)**R**
Reduce telecommunications rates by 5.7%.		
63 **SIPS Reduction**	($1,568)**R**	($1,568)**R**
Reduce the rate for SIPS services by 16.23%.		
64 **Eliminate Management Position**	($62,021)**R**	($62,021)**R**
Eliminate the Assistant Director for Family Resource Centers position.	-1.00	-1.00

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND

HUMAN RESOURCES (Continued)	FY 95-96	FY 96-97
65 **Eliminate Positions**	($425,423)**R**	($425,423)**R**
Eliminate 1.0 Human Services Coordinator III, 3.0 Interpreter for the Deaf II, 2.0 Habilitation Specialist III, 2.0 Audiologist, .25 Speech-Language Pathologist II, 1.25 Education Diagnostician II, and 2.0 Outreach Specialist I	-11.50	-11.50
(9.00) Division of Social Services		
66 **Receipts from Title IVA-Emergency Assistance**	($2,188,010)**R**	($2,188,010)**R**
Reduce appropriations to local departments of social services in anticipation of additional federal funds for Emergency Assistance. Reductions are as follows: $1,888,010 from the State Foster Care Program, and $300,000 from Child Protective Services training related travel.		
67 **Reduce Supplies and Equipment**	($185,482)**R**	($185,482)**R**
Reduce line items for supplies and materials and administrative equipment. This recommendation came from the Government Performance Audit Committee.		
68 **Reduce Staff Development Contract**	($89,007)**R**	($89,007)**R**
Streamline the contract with the Family and Children's Resource Center for training and materials provided to DSS Staff and local departments of social services staff.		
69 **AFDC Caseload Adjustments**	($2,421,719)**R**	($2,481,736)**R**
Reduce appropriations to reflect lower AFDC caseload growth and lower AFDC average payments.		
70 **Excess AFDC Child Support Receipts**	($1,000,000)**R**	($1,000,000)**R**
Reduce appropriations for the AFDC Program due to greater than anticipated excess receipts from AFDC Child Support collections.		
71 **Child Support/AFDC Collections**	$0 **R**	($300,000)**R**
Reduce appropriations in anticipation of implementation of a pilot project to privatize child support collections for delinquent cases.		
72 **Child Support ACTS System Equipment**	($268,421)**R**	($318,421)**R**
Reduce appropriations for the purchase of Automated Collections and Tracking System (ACTS) computer equipment because equipment acquisition will be completed in 1994-95.		

H.B. 229 (PCCS–9153) **Continuation Budget Report**	GENERAL FUND	
HUMAN RESOURCES (Continued)	FY 95–96	FY 96–97
73 **Social Services Plan Pilot**	($331,579)**R**	($331,579)**R**
Reduce appropriations for the Social Services Plan Pilot Project because it has been completed.		
74 **Eliminate Reallocated Regional Offices's Positions**	($118,278)**R**	($118,278)**R**
Eliminate 2.0 Clerk–Typist III, 2.0 Clerk–Steno IV, Clerk – Typist IV, 2.0 Social Services Regional Program Representative, 1.0 Income Maintenance Representative, and 1.0 Staff Development Coordinator.	-9.00	-9.00
75 **Eliminate Position in Central Office**	($14,787)**R**	($14,787)**R**
Eliminate 1.0 Program Manager (Children Services Section).	-1.00	-1.00
76 **Reduce State/County Special Assistance Fund**	($390,907)**R**	($624,649)**R**
Reduce appropriations to reflect actual expenditure experience for domiciliary care payments.		
77 **Reduce State Maternity Home Fund**	($281,292)**R**	($281,292)**R**
Adjust general fund appropriations to reflect actual utilization and expenditure experience.		
78 **Reduce State Abortion Fund**	($1,162,000)**R**	($1,162,000)**R**
Reduce the State Abortion Fund to $50,000 each year.		
79 **Eliminate Regional Office Position**	($17,067)**R**	($17,067)**R**
Eliminate 1.0 Internal Systems Consultant.	-1.00	-1.00
80 **Eliminate Optional AFDC Program for Pregnant Women**	($1,226,045)**R**	($1,233,015)**R**
Eliminate optional AFDC payments to pregnant women who are in their third trimester of pregnancy.		
81 **Eliminate Optional AFDC for Students Age 18**	($731,805)**R**	($731,805)**R**
Eliminate optional AFDC payments for students age 18 who are reasonably expected to graduate from high school by age 19.		
82 **Eliminate Optional Supplemental AFDC Payments**	($727,039)**R**	($727,039)**R**
Eliminate supplemental AFDC payments for families adversely affected by retrospective budgeting.		
83 **Reduce Emergency Assistance Program**	($2,128,750)**R**	($2,128,750)**R**
Reduce the cash component of the State EmergencyAssistance program by 50%.		
84 **Reduce Child Medical Evaluation Fund**	($349,106)**R**	($349,106)**R**
Reduce appropriations to reflect lower utilization and expenditures.		

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND

	HUMAN RESOURCES (Continued)	FY 95–96	FY 96–97
85	**Reduce Telecommunications Rates** Reduce telecommunications rates by 5.7%.	($3,584)**R**	($3,584)**R**
86	**Eliminate Management Position** Eliminate 1.0 Staff Development Coordinator.	($12,440)**R** -1.00	($12,440)**R** -1.00
87	**Eliminate EEO Officer** Eliminate 1.0 Personnel Analyst I.	($12,904)**R** -1.00	($12,904)**R** -1.00
88	**Eliminate Positions** Eliminate 3.0 Social Services Program Consultant I, 1.0 Social Services Program Consultant II, 1.0 Accounting Technician II, 2.0 Clerk-Typist, 1.0 Community Development Specialist, 2.0 Computer Support Technician I, 1.0 Business Officer, 1.0 Computing Consultant II, 1.0 Applications Programmer I and 1.0 Administrative Officer I.	($176,303)**R** -14.00	($235,399)**R** -14.00
89	**SIPS Reduction** Reduce the rate for SIPS services by 16.23%.	($370,698)**R**	($370,698)**R**
90	**Reduce Central Office Staff** Eliminate 1.0 Staff Development Director, 1.0 Staff Development Coordinator, 1.0 Clerk-Typist IV, 3.0 Program Coordinators (Monitoring, Automation & Adult Services), 3.0 Program Consultant II's (Monitoring), 3.0 Program Managers (Automation, Adult & Employment Services), 2.0 Account Technicians III & V (Child Support) and 1.0 Microfilm Clerk (Child Support).	($234,477)**R** -15.00	($234,477)**R** -15.00
91	**Reduce State In Home Program** Reduce appropriations for State In Home Program. This reduction will be replaced by increased funding from the Social Services Block Grant. This reduction is related to the collection of receipts from the federal Title IVA-Emergency Assistance program.	($1,642,381)**R**	($1,642,381)**R**
92	**Child Support Enforcement Laws** Reduce appropriations in anticipation of proposed statutory changes to enhance child support collections.	($200,000)**R**	($750,000)**R**
93	**Eliminate Social Services Plan Pilot Position** Eliminate 1.0 Human Services Planner/Evaluator IV.	($33,413)**R** -1.00	($33,413)**R** -1.00

H.B. 229 (PCCS–9153) **Continuation Budget Report** **HUMAN RESOURCES** (Continued)	GENERAL FUND FY 95-96	FY 96-97
(10.00) Division of Vocational Rehabilitation		
94 **Reduce Supplies and Equipment** Reduce line items for supplies and materials and administrative equipment. This recommendation came from the Government Performance Audit Committee.	($49,793)**R**	($49,793)**R**
95 **National Certification of Community Facilities** Eliminate 1.0 Program Auditor position by requiring the Division of Vocational Rehabilitation to contract for rehabilitation services with community facilities which have national accreditation.	($7,132)**R** -1.00	($17,316)**R** -1.00
96 **Increased Federal Rehabilitation Receipts** Reduce appropriations to reflect an increase in the level of anticipated federal receipts.	($272,625)**R**	($272,625)**R**
97 **Reduce Telecommunications Rates** Reduce telecommunications rates by 5.7%.	($4,389)**R**	($4,389)**R**
98 **Eliminate EEO Officer** Eliminate 1.0 Personnel Analyst I.	($11,781)**R** -1.00	($11,781)**R** -1.00
99 **Eliminate Positions** Eliminate 1.0 Vocational Evaluator II, 2.0 Records Clerk II & III, 1.0 Computer Systems Analyst IV and 1.0 Applications Programmer II.	($84,164)**R** -5.00	($126,707)**R** -5.00
100 **SIPS Reduction** Reduce the rate for SIPS services by 16.23%.	($52,694)**R**	($52,694)**R**
(11.00) Division of Youth Services		
101 **Reduce Supplies and Equipment** Reduce line items for supplies and materials and administrative equipment. This recommendation came from the Government Performance Audit Committee.	($207,908)**R**	($212,008)**R**
102 **Contract for Nursing Services in Training Schools** Contract for nursing services on an as-needed basis rather than employ full-time staff nurses in the five training schools. Effective 9/1/95.	($325,873)**R** -17.00	($341,082)**R** -17.00
103 **Reduce Telecommunications Rates** Reduce telecommunications rates by 5.7%.	($2,681)**R**	($2,681)**R**
104 **Receipts from Title IVA-Emergency Assistance** Reduce appropriations in anticipation of additional federal funds for Emergency Assistance.	($2,385,312)**R**	($3,885,312)**R**
105 **Eliminate EEO Officer** Eliminate 1.0 Personnel Analyst I.	($39,137)**R** -1.00	($39,137)**R** -1.00

H.B. 229 (PCCS–9153) Continuation Budget Report	GENERAL FUND	
HUMAN RESOURCES (Continued)	FY 95–96	FY 96–97
106 **Eliminate Positions**	($94,538)R	($109,368)R
Eliminate 1.0 Safety Officer I, 1.0 Social Research Assistant and 1.0 Counselor Technician.	-3.00	-3.00
107 **SIPS Reduction**	($6,231)R	($6,231)R
Reduce the rate for SIPS services by 16.23%.		
(12.00) Increases for Locally Operated Programs		
108 **Eliminate Jordan-Adams Inflationary Increase**	($1,360,402)R	($2,851,856)R
Reduce the non-salary inflationary increase for locally operated programs.		
Continuation Budget Changes	**($57,963,218)R**	**($66,828,677)R**
Total Position Changes	-158.00	-158.00
Revised Continuation Budget	**$2,020,173,472**	**$2,151,348,733**

(Pages 1D-3D)

CORRECTION

Recommended Continuation Budget	**$786,869,395**	**$812,019,943**
Continuation Budget Changes		
(0000) All Divisions		
1 **Greater After Prison Services (GAPS)**	($85,000)R	($85,000)R
GAPS program has been terminated.		
2 **Out-of-State Housing Funds**	($1,177,390)R	($1,177,390)R
Reduce funding from 960 to 925 beds, which corresponds to the number of out-of-state beds available.		
3 **Funds for Local Confinement Facilities**	($2,146,200)R	($2,146,200)R
Reduce funding from 500 to 360 beds, which corresponds to the number of local jail beds available.		
4 **Eliminate Maintenance Mechanic Positions**	($245,803)R	($245,803)R
Eliminate 10 mechanic positions in medium custody units as a result of Small v. Martin lawsuit.	-10	-10
5 **Funding for Road Squads**	($6,130,430)R	($6,130,430)R
Transfer cost of road squads to the Department of Transportation.		
6 **Close Moore Correctional Center**	($1,118,744)R	($1,118,744)R
Close medium custody 42-bed housing unit as recommended by GPAC.	-41	-41
7 **Close Richmond Correctional Center**	($526,032)R	($526,032)R
Close 26-bed unit as recommended by GPAC.	-20	-20
8 **Inmate Health Care Management**	($5,000,000)R	($5,000,000)R
Reduce inmate health care services budget as recommended by the State Auditor.		
9 **Reduce Supplies and Equipment**	($3,219,791)R	($3,269,748)R
Reduce department-wide supply and equipment budgets by 10% as recommended by GPAC.		

	H.B. 229 (PCCS–9153) **Continuation Budget Report**	GENERAL FUND	
	CORRECTION (Continued)	FY 95–96	FY 96–97
10	**Drug and Alcohol Recovery Treatment** Program will be operated as a probation program instead of a prison program. Level of security decreases, and therefore, less staffing is required.	($334,542)**R** –16	($334,542)**R** –16
11	**Office of the Secretary** Eliminate Assistant Secretary and Special Assistant to Secretary positions.	($96,553)**R** –2	($96,553)**R** –2
12	**Electronic Intrusion System** Install an electronic intrusion system around NCCIW to replace guard towers. One-time cost - $813,700 Savings per year - $411,552 Payback in years - 1.98		
13	**Substance Abuse Treatment for Probation/Parole** Appropriation will be deleted from the department's continuation budget since this is a pilot program.	($583,000)**R** –2	($583,000)**R** –2
14	**Convert McDowell Correctional Center** McDowell Correctional Center will be converted from a medium custody facility to a minimum custody facility.	($486,616)**R** –19	($486,616)**R** –19
15	**Reduce Staff at Parole Commission** Reduce staff due to the declining number of inmates being paroled.	($55,332)**R** –2	($110,664)**R** –6
16	**Computer Service Rate Reductions** Reduce funding for data processing and telecommunications service charges due to rate reduction by State Information Processing Services.	($503,355)**R**	($503,355)**R**
17	**Private Substance Abuse Treatment Beds** Reduce funds for 175 Private Substance Abuse Treatment beds for FY 1995–96 only.	($3,500,000)**NR**	
18	**Repeal Prison Cap** Funds for additional beds needed to repeal the prison cap on January 1, 1996.	$7,769,651 **R** 145	$7,202,013 **R** 145
19	**Reduce Reserve for Probation Intensive Teams** Reduce reserve for probation intensive teams which reflects proposed changes in offenses requiring active prison sentences under Structured Sentencing. The total reserve for intensive teams was $7,194,336 in 1995–96 and $7,014,681 in 1996–97. Under this reduction, the Senate and House authorize the Department of Correction to use the balance of this reserve ($1,194,336 in 1995–96 and $1,014,681 in 1996–97) to hire additional regular probation officers.	($6,000,000)**R** –153	($6,000,000)**R** –153

H.B. 229 (PCCS–9153) **Continuation Budget Report CORRECTION** (Continued)	GENERAL FUND FY 95-96	FY 96-97
Continuation Budget Changes	**($19,939,137)R**	**($20,612,064)R**
	($3,500,000)NR	
Total Position Changes	-120.00	-124.00
Revised Continuation Budget	**$763,430,258**	**$791,407,879**

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CRIME CONTROL AND PUBLIC SAFETY

Recommended Continuation Budget	**$31,615,721**	**$31,362,631**
Continuation Budget Changes		
(0000) All Divisions		
20 **Center for the Prevention of School Violence** Through an Executive Order, the Center is to be transferred to the university system effective June 30, 1995. The program will be supported by 75% federal grant funds and matched with 25% state funds through the Governor's Crime Commission.		
21 **Reduce 5 Vacant Positions** Administration:	($130,953)R -5	($130,953)R -5
1. Information and Communication Specialist 1 2. Personnel Technician I 3. Internal Auditor I Victim and Justice Services: 4. Processing Assistant III Crime Prevention: 5. Office Assistant III		
22 **Reduce Budget Line Items** Reduce supplies, travel, printing, postage, repairs and maintenance, and other operating line items department-wide.	($127,000)R	($127,000)R
Continuation Budget Changes	**($257,953)R**	**($257,953)R**
Total Position Changes	-5.00	-5.00
Revised Continuation Budget	**$31,357,768**	**$31,104,678**

(Pages 5D-6D)

JUDICIAL

Recommended Continuation Budget	**$281,007,159**	**$284,724,816**
Continuation Budget Changes		
(0000) All Divisions		
23 **Juvenile Services** Reduce funding for purchase of contractual services for juvenile offenders to amount actually needed ($35,000 remains in continuation budget).	($100,000)R	($100,000)R
24 **Indigency Screening Program** Eliminate the seven State programs established to determine indigency of criminal defendants; program responsibilities will be handled by Clerks of Superior Court as is done in other counties.	($438,507)R -18	($439,655)R -18

H.B. 229 (PCCS–9153) **Continuation Budget Report**	GENERAL FUND	
JUDICIAL (Continued)	FY 95-96	FY 96-97
25 **Sentencing Commission**	($43,718)**R**	($43,718)**R**
Eliminate reserve fund since the Commission indicates the fund is no longer needed.		
26 **Superior Court**	($200,000)**R**	($200,000)**R**
Reduce funding for jury fees by $200,000 by allowing jurors to waive fee.		
27 **Reduce Supply and Equipment Budget**	($167,923)**R**	($167,923)**R**
Reduce department-wide supply and equipment budget by 10% as recommended by GPAC ($98,874) and reduce by an additional amount.		
28 **Reduction in Salaries and Wages Line Item**	($400,000)**R**	($400,000)**R**
Reduction in department-wide budget for salaries. Reduce by amount recommended by Governor ($200,000) and by an additional $200,000; allow Department to determine whether to reduce positions.		
29 **Appellate Defender Services**	($237,382)**R**	($237,382)**R**
Eliminate State funds for N.C. Resource Center, a program that provides consultation and representation on capital case appeals involving indigent defendants.	-3.5	-3.5
30 **Vacant District Court Judgeships**	($413,128)**R**	($413,128)**R**
Eliminate salary funds for four of six district court judge positions that have not been precleared by the U.S. Department of Justice (Districts 3A, 8, 12, and 18). Allow Department to retain positions and use available funds for salaries if judgeships are precleared.		
31 **Guardian Ad Litem**	($505,263)**R**	($490,623)**R**
Reduce funding for legal services and administration by capping attorney fees; limiting use of attorneys to hearings when case disposition is expected; and terminating guardian ad litem appointments after two years unless the presiding judge determines reappointment is necessary.	-3	-3
32 **Computer Service Rate Reductions**	($8,591)**R**	($8,591)**R**
Reduce funding for data processing and telecommunications service charges due to rate reduction by State Information Processing Services.		

H.B. 229 (PCCS–9153) Continuation Budget Report	GENERAL FUND	
JUDICIAL (Continued)	FY 95–96	FY 96–97
33 **Court Reporters** Funding for vacant and filled positions can be reduced by using electronic recording equipment and by contracting with private court reporters. 1995–96 reduction is based on January 1, 1996 starting date for the filled positions.	($493,807)R –34	($1,270,949)R –44
34 **Community Penalties Program** Reduction in grant funds; program will operate in 32 of 39 districts rather than statewide.	($1,600,000)R	($1,600,000)R
Continuation Budget Changes	**($4,608,319)R**	**($5,371,969)R**
Total Position Changes	–58.50	–68.50
Revised Continuation Budget	**$276,398,840**	**$279,352,847**

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JUSTICE		
Recommended Continuation Budget	**$57,725,272**	**$58,295,638**
Continuation Budget Changes		
(0000) All Divisions		
35 **Reduce Budget Line Items** Reduce supplies, travel, utilities, communications, motor vehicles, data processing services and lab equipment.	($1,195,474)R	($1,195,474)R
36 **Legal Services** Shift support for attorneys performing work for the Department of Insurance to an assessment fee charged to the insurance industry (non-tax revenue increase of $536,284 each year).		
37 **Additional Reductions in Budget Line Items** Further reduce travel, supplies, and other line items.	($408,212)R	($408,212)R
Continuation Budget Changes	**($1,603,686)R**	**($1,603,686)R**
Total Position Changes		
Revised Continuation Budget	**$56,121,586**	**$56,691,952**

(Page 1E)

HOUSING FINANCE AGENCY		
Recommended Continuation Budget	**$2,300,000**	**$2,300,000**
Continuation Budget Changes		
Housing Finance Agency		
1 **NO RECOMMENDED REDUCTIONS**		
Continuation Budget Changes		
Total Position Changes		
Revised Continuation Budget	**$2,300,000**	**$2,300,000**

H.B. 229 (PCCS–9153) **Continuation Budget Report** (Pages 2E–5E)	GENERAL FUND FY 95–96	GENERAL FUND FY 96–97
AGRICULTURE		
Recommended Continuation Budget	**$46,655,044**	**$46,929,358**
Continuation Budget Changes		
Agriculture Finance Authority		
2 **Reduce General Fund Appropriation**	($16,832)**R**	($41,832)**R**
Reduce the General Fund appropriation to the Authority by utilizing the interest income earned by the Farm Reserve Loan fund for the Authority's operating expenses.		
3 **Reduce Operating Support**	($5,190)**R**	($5,190)**R**
Legal Fees		
In–State transportation		
In–State subsistence		
Out of State transportation		
Agronomic Services		
4 **Reduce Support**	($20,000)**R**	($20,000)**R**
Reduce Janitorial and Utilities services		
5 **Adjust underbudgeted receipts**	($5,000)**R**	($5,000)**R**
Adjust underbudgeted receipts to more accurately reflect estimated collections.		
Plant Analysis Fee		
Food and Drug Protection - Feed Branch		
6 **Adjust underbudgeted receipts**	($5,000)**R**	($5,000)**R**
Adjust underbudgeted receipts to more accurately reflect estimated collections.		
Other pet food registration.		
Food and Drug Protection–Food & Drug Branch		
7 **Reduce in–state transportation**	($20,000)**R**	($20,000)**R**
Food and Drug Protection - Pesticide Branch		
8 **Adjust underbudgeted receipts**	($15,000)**R**	($15,000)**R**
Adjust underbudgeted receipts to more accurately reflect estimated collections.		
Pesticide Ground Applicator License		
Food Distribution		
9 **Abolish 2 positions**	($48,845)**R**	($48,845)**R**
Vehicle Operator II (vacant)	-2.00	-2.00
Stock Clerk II		
Marketing		
10 **Abolish 2 vacant positions**	($77,624)**R**	($77,624)**R**
Public Information Officer	-2.00	-2.00
Agricultural Marketing Supervisor I		
11 **Reduce Operating Support**	($70,498)**R**	($70,498)**R**
12 **Adjust underbudgeted receipts**	($90,000)**R**	($90,000)**R**
Adjust underbudgeted receipts to more accurately reflect estimated collections at the Western Agricultural Center and the Charlotte and Piedmont–Triad Farmers' Markets.		

H.B. 229 (PCCS–9153) Continuation Budget Report	GENERAL FUND	
AGRICULTURE (Continued)	FY 95–96	FY 96–97
13 **Reduce General Fund transfer**	($150,000)R	($150,000)R
Reduce General Fund transfer to the Raleigh Farmers' Market by $150,000 in each year. This reduction includes a $100,000 Governor's reduction and an additional $50,000 Committee reduction. This action reduces the General Fund transfer to $120,343.		
Plant Industry - Plant Protection		
14 **Abolish 1 position**	($56,435)R	($56,435)R
Biotechnologist	-1.00	-1.00
15 **Adjust underbudgeted receipts**	($6,000)R	($6,000)R
Adjust underbudgeted receipts to more accurately reflect estimated collections. Plant Protection Inspection Fee		
Plant Industry - Seed Testing		
16 **Abolish 1 position**	($46,970)R	($46,970)R
Seed Specialist	-1.00	-1.00
Research Stations and State Farms		
17 **Reduce Vehicles**	($150,000)R	($150,000)R
State Farms - Motor Vehicles		
18 **Reduce Vehicles-2**	($100,000)R	($100,000)R
Research Stations-Reduce funds for tractors and other farm equipment.		
Standards		
19 **Adjust underbudgeted receipts**	($39,000)R	($39,000)R
Adjust underbudgeted receipts to more accurately reflect estimated collections. Weights and Measures fee Calibration fee		
State Information Processing Services (SIPS)		
20 **SIPS Reductions**	($21,230)R	($21,230)R
Department-wide - Reduce telecommunication rates due to efficiency and cost effective management of services effective 1/1/95.		
Structural Pest Control		
21 **Adjust underbudgeted receipts**	($15,000)R	($15,000)R
Adjust underbudgeted receipts to more accurately reflect estimated collections. Structural Pest. Oper. Cards Exam Fee Cert. Applicators		
Veterinary Services		
22 **Reduce Operating Support**	($131,498)R	($131,498)R
23 **Abolish 2 positions**	($68,443)R	($68,443)R
Livestock Inspector Processing Assistant III	-2.00	-2.00
Continuation Budget Changes	**($1,158,565)R**	**($1,183,565)R**
Total Position Changes	-8.00	-8.00
Revised Continuation Budget	**$45,496,479**	**$45,745,793**

H.B. 229 (PCCS–9153) **Continuation Budget Report** (Pages 6E–7E)	GENERAL FUND FY 95–96	FY 96–97
LABOR		
Recommended Continuation Budget	**$15,570,386**	**$15,418,551**
Continuation Budget Changes		
Administration		
24 **Abolish two positions**	($97,441)**R**	($97,441)**R**
Administrative Secretary V	-2.00	-2.00
Assistant Deputy Director for Administration		
Elevator		
25 **Adjust underbudgeted receipts**	($80,000)**R**	($80,000)**R**
Adjust underbudgeted receipts to more accurately reflect estimated collections.		
Occupational Safety and Health		
26 **Use of Federal Receipts**	($79,848)**R**	($79,848)**R**
Increase use of federal receipts for travel expenses.		
27 **Reduce Transfer to the Ergonomics Center**	($95,000)**R**	($95,000)**R**
Reduce General Fund transfer to the Ergonomics Center. This reduction includes a $75,000 Governor's reduction and an additional $20,000 Committee reduction. This action reduces the General Fund transfer to $775,222 in FY 1995–96 and $592,476 in FY 1996–97.		
28 **Eliminate Contract with Justice**	($125,493)**R**	($125,493)**R**
Eliminate contract with the State Department of Justice for litigation representation.		
29 **Eliminate Position**	($22,218)**R**	($22,218)**R**
OSHA Compliance Supervisor	-1.00	-1.00
State Information Processing Services (SIPS)		
30 **SIPS Reductions**	($16,074)**R**	($16,074)**R**
Department-wide - Reduce budgeted telecommunication rates due to efficiency and cost effective management of services effective 1/1/95.		
Continuation Budget Changes	**($516,074)R**	**($516,074)R**
Total Position Changes	-3.00	-3.00
Revised Continuation Budget	**$15,054,312**	**$14,902,477**
(Pages 8E–19E)		
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES		
Recommended Continuation Budget	**$236,418,129**	**$236,798,223**
Continuation Budget Changes		
(1.00) Executive Offices		
31 **Eliminate Special Assistants**	($146,000)**R**	($146,000)**R**
Eliminate 3 Special Assistant positions.	-3.00	-3.00
(1.00) Office of Environmental Education		
32 **Reduce Supplies and Equipment**	($992)**R**	($992)**R**
Department's allocation for reduction of supplies and equipment.		

H.B. 229 (PCCS–9153) **Continuation Budget Report**	GENERAL FUND	
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (Continued)	FY 95-96	FY 96-97
33 **Eliminate positions**	($62,773)**R**	($62,773)**R**
Eliminate 2 administrative support positions.	-2.00	-2.00
Computer Support Technician II		
Administrative Assistant I		
(1.00) Regional Offices		
34 **Regional Field Offices**	($167,000)**R**	($167,000)**R**
Eliminate three regional office manager positions.	-3.00	-3.00
(2.00) Aquariums		
35 **Reduce General Fund Support**	($200,000)**R**	($200,000)**R**
Reduce General Fund support for maintenance since admission fees may also be used for maintenance.		
36 **Reduce Supplies and Equipment**	($20,431)**R**	($20,431)**R**
Departments allocation for reduction of supplies and equipment.		
(2.00) Forest Resources		
37 **Reduce Motor Vehicles**	($452,760)**R**	($452,760)**R**
Reduce budget for purchase of motor vehicles and lengthen the replacement cycle of fire equipment and trucks.		
38 **Reduce Forestry Fire Tower Operations**	($363,292)**R**	($363,292)**R**
Reduce temporary wages for forest fire detection tower operators. The Division will not operate any towers during the fall fire season. In addition, the Division will not operate 43 of the 83 fire towers in the spring fire season.		
39 **Abolish Field Operations Positions**	($216,545)**R**	($216,545)**R**
Abolish 7 positions:	-7.00	-7.00
Forester III		
Natural Science Exhibit Designer		
Forest Fire Equipment Operator		
Fire Tower Operator		
Forestry Technician I		
Forest Fire Equipment Operator		
Assistant County Ranger - Alamance		
40 **Abolish Administrative Positions**	($49,439)**R**	($49,439)**R**
Abolish 2 positions:	-2.00	-2.00
Mechanic II		
Receptionist		
41 **Abolish Forestation Position**	($25,371)**R**	($25,371)**R**
Abolish 1 clerical position.	-1.00	-1.00
42 **Abolish Nursery Positions**	($89,335)**R**	($89,335)**R**
Abolish 2 positions at Forestry Nurseries:	-2.00	-2.00
Forest Nursery Assistant II		
Forest Supervisor II		

H.B. 229 (PCCS–9153) **Continuation Budget Report**	GENERAL FUND	
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (Continued)	FY 95-96	FY 96-97
43 **Bladen Lakes State Forest** Require the Department to make the forest 100% receipt supported by July 1, 1997. This reduction includes shifting 2 positions to receipts and is the first step to self-sufficiency. Clerk V Forest Tech I	($41,405)**R** -2.00	($41,405)**R** -2.00
44 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies andequipment.	($39,803)**R**	($39,803)**R**
(2.00) Museum of Natural Sciences		
45 **Grassroots Science Program** Reduce the Grassroots Science program.	($400,000)**R**	($400,000)**R**
46 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment	($9,569)**R**	($9,569)**R**
(2.00) Parks and Recreation		
47 **Reduce Positions** Eliminate 3 positions in State Parks Administrative unit and 1 position in the Field Operations unit: Dep. Div. Director Admin. Sec. III Fac. Maint. Manager II Safety Officer II	($216,332)**R** -4.00	($216,332)**R** -4.00
48 **Adjust underbudgeted receipts** Adjust underbudgeted receipts to more accurately reflect estimated collections.	($50,000)**R**	($50,000)**R**
49 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment.	($6,786)**R**	($6,786)**R**
(2.00) Soil and Water Conservation		
50 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment.	($4,566)**R**	($4,566)**R**
(2.00) Zoological Park		
51 **Fee Increase** Increase the fee from $6 to $8 for adults and from $4 to $5 for children and senior citizens.	($1,350,000)**R**	($1,350,000)**R**
52 **Privatization of Food Services** Privatize food services. Contract for food services and phase out 10 General Fund positions and 2 receipt supported positions. Privatization would be effective January 1, 1996.	($108,183)**R** -10.00	($216,365)**R** -10.00
53 **Adjust Underbudgeted Receipts** Adjust underbudgeted receipts to more accurately reflect estimated collections.	($291,817)**R**	($183,635)**R**

H.B. 229 (PCCS–9153) **Continuation Budget Report**	GENERAL FUND	
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (Continued)	FY 95-96	FY 96-97
54 **Adjust Underbudgeted Receipts-2** Adjust underbudgeted receipts to more accurately reflect estimated collections.	($75,000)**R**	($150,000)**R**
55 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment.	($21,682)**R**	($21,682)**R**
(3.00) Coastal Management		
56 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment.	($3,038)**R**	($3,038)**R**
(3.00) Environmental Management		
57 **Environmental Management, Eliminate positions** Eliminate 2 support positions by shifting 1 to federal funds and abolishing 1 position: Computer System Administrator III Accounting Technician V (federal funds)	($75,265)**R** -2.00	($75,265)**R** -2.00
58 **Lab Services, Shift positions** Shift 2 positions to receipts: Chemistry Supervisor III (Lab Certification Fees) Chemist I (Lab Certification fees)	($113,411)**R** -2.00	($113,411)**R** -2.00
59 **Water Quality Control, Eliminate positions** Eliminate Toxicity Evaluation Group Supervisor and shift funding for 1 position to fee support: Environmental Biologist Supervisor I Environmental Technician V (permit fees)	($81,814)**R** -2.00	($81,814)**R** -2.00
60 **Groundwater, Eliminate positions** Eliminate 3 positions: Environmental Supervisor III Hydrologist II Accountant I	($158,379)**R** -3.00	($158,379)**R** -3.00
61 **Air Quality Control, Eliminate positions** Eliminate 1 vacant position and shift funding for 14 other positions to receipt support: Environmental Technician II (vacant) Office Assistant III (Fuels tax receipts) (2) Environmental Engineer II (Federal Title V) Environmental Supervisor II (Fuels tax receipts) (6) Environmental Technician II (Fuels tax receipts) (2) Environmental Technician V (Fuels tax receipts) (2) Environmental Engineer I (Fuels tax receipts)	($545,518)**R** -15.00	($545,518)**R** -15.00
62 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment.	($58,798)**R**	($58,798)**R**

H.B. 229 (PCCS–9153) **Continuation Budget Report** **ENVIRONMENT, HEALTH, AND NATURAL RESOURCES** (Continued)	GENERAL FUND FY 95-96	FY 96-97
(3.00) Land Resources		
63 **Land Quality, Eliminate positions**	($88,770)**R**	($88,770)**R**
Eliminate 1 position and shift 1 to fees:	-2.00	-2.00
Environmental Engineer V in Wilmington regional office.		
Assistant Regional Engineer in Mooresville regional office (shift to fees)		
64 **Geodetic Survey, Eliminate positions**	($98,729)**R**	($98,729)**R**
Eliminate 2 positions:	-2.00	-2.00
Assistant Section Chief		
Geodetic Survey Technician II		
65 **Reduce Supplies and Equipment**	($8,590)**R**	($8,590)**R**
Department's allocation for reduction of supplies and equipment.		
(3.00) Office of Waste Reduction		
66 **Eliminate positions**	($87,003)**R**	($87,003)**R**
Eliminate Deputy Division Director position and 1 administrative assistant to deputy director position.	-2.00	-2.00
Environmental Supervisor III		
Social Research Assistant I		
67 **Reduce Supplies and Equipment**	($4,750)**R**	($4,750)**R**
Department's allocation for reduction of supplies and equipment.		
(3.00) Solid Waste Management		
68 **Eliminate Positions**	($158,218)**R**	($158,218)**R**
Eliminate 3 positions:	-3.00	-3.00
Industrial Hygiene Consultant		
Environmental Engineer II		
Environmental Supervisor III		
69 **Reduce Supplies and Equipment**	($17,314)**R**	($17,314)**R**
Department's allocation for reduction of supplies and equipment.		
(3.00) Water Resources		
70 **Eliminate positions**	($97,313)**R**	($97,313)**R**
Eliminate Deputy Division Director and environmental specialist in the Aquatic Weed Program.	-2.00	-2.00
Environmental Supervisor IV (Deputy Director)		
Environmental Specialist I		
71 **Reduce Supplies and Equipment**	($3,422)**R**	($3,422)**R**
Department's allocation for reduction of supplies and equipment.		
(4.00) Adult Health Promotion		
72 **Adult Health Promotion, Eliminate positions**	($146,643)**R**	($146,643)**R**
Eliminate 3 positions and shift 1 to federal funds	-3.27	-3.27
Program Manager II (Kidney & Human Tissue Program)		
Public Health Educator III		

H.B. 229 (PCCS–9153) **Continuation Budget Report**	GENERAL FUND	
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (Continued)	FY 95-96	FY 96-97
Public Health Educator II		
Personnel Assistant V (shift part-time position to federal funds)		
73 **Adult Health Care, Eliminate positions**	($90,038)**R**	($90,038)**R**
Eliminate 1 position and shift 1 to federal funds:	-2.00	-2.00
Public Health Program Supervisor II (Chief Local Support Section)		
Information and Communications Specialist (shift to federal funds)		
74 **Adult Health Promotion, Arthritis Program**	($164,378)**R**	($164,378)**R**
Eliminate arthritis program.		
75 **Reduce aid to home health agencies**	($317,822)**R**	($317,822)**R**
76 **Reduce Supplies and Equipment**	($3,657)**R**	($3,657)**R**
Department's allocation for reduction of supplies and equipment.		
(4.00) Dental Health		
77 **Eliminate Positions**	($64,886)**R**	($64,886)**R**
(2) Dental Equipment Technician I	-2.00	-2.00
78 **Reduce Supplies and Equipment**	($14,475)**R**	($14,475)**R**
Department's allocation for reduction of supplies and equipment.		
(4.00) Environmental Health		
79 **Reduce State Aid for Mosquito Control Program**	($68,643)**R**	($68,643)**R**
Reduce state aid for mosquito control program by 10%.		
80 **Environmental Health Services, Eliminate position**	($55,791)**R**	($55,791)**R**
Eliminate position serving as Regional Environmental Health Specialist in Food and Lodging program.	-1.00	-1.00
Environmental Health Program Staff Assistant		
81 **Reduce Supplies and Equipment**	($12,162)**R**	($12,162)**R**
Department's allocation for reduction of supplies and equipment.		
(4.00) Epidemiology		
82 **Occupational Health, Eliminate positions**	($132,564)**R**	($132,564)**R**
Eliminate Chief of Occupational Health section position. Eliminate 2 technicians and abolish mobile x-ray service in Dusty Trades Program.	-3.00	-3.00
Occupational Health Director		
X-Ray Technician III		
Environmental Technician I		

H.B. 229 (PCCS–9153) Continuation Budget Report ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (Continued)	GENERAL FUND FY 95-96	 FY 96-97
83 **Acute Communicable Disease, Eliminate position** Eliminate Chief of Tuberculosis Control Section position. Public Health Program Administrator II	($74,075) **R** -1.00	($74,075) **R** -1.00
84 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment.	($67,583) **R**	($67,583) **R**
(4.00) Laboratory Services		
85 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment.	($163,084) **R**	($163,084) **R**
(4.00) Local Health Services		
86 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment.	($1,509) **R**	($1,509) **R**
(4.00) Maternal and Child Health		
87 **Maternal and Child Health, Eliminate position** Public Health Program Manager I	($59,738) **R** -1.00	($59,738) **R** -1.00
88 **Maternal Health, Eliminate positions** Shift 3 positions to federal funds. Public Health Physician I Office Assistant III Public Health Social Work Counselor	($127,351) **R** -3.00	($127,351) **R** -3.00
89 **Developmental Eval. Centers, Eliminate position** Eliminate 1 position and shift 1 to federal funds Personnel Assistant III (shift to federal funds) Physical Therapist II	($71,640) **R** -2.00	($71,640) **R** -2.00
90 **Children's Special Health Services** Eliminate part time position. Physical Therapist Consultant	($9,034) R -0.20	($9,034) R -0.20
91 **Nutrition & Dietary Services, Eliminate position** Shift 1 position to federal funds. Nutrition Program Consultant	($52,065) **R** -1.00	($52,065) **R** -1.00
92 **Eliminate Grant Funding** Eliminate recurring funding for newborn genetic screening project grant to Duke University. Project ends June 30, 1995.	($200,000) **R**	($200,000) **R**
93 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment.	($66,985) **R**	($66,985) **R**
(4.00) Post Mortem Medicolegal Examination		
94 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment.	($13,234) **R**	($13,234) **R**

H.B. 229 (PCCS–9153) Continuation Budget Report ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (Continued)	GENERAL FUND FY 95–96	 FY 96–97
(4.00) Public Health Nursing		
95 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment.	($595)R	($595)R
(4.00) State Center for Health & Envir. Statistics		
96 **Eliminate position** Eliminate statistician assigned to the Environmental Indicators report. Statistician II	($39,628)R -1.00	($39,628)R -1.00
97 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment.	($3,518)R	($3,518)R
(6.00) Department Wide		
98 **SIPS Reductions** Department-wide - Reduce budgeted telecommunication rates effective 1/1/95.	($39,041)R	($39,041)R
99 **SIPS Reductions-2** Department-wide - Reduce budgeted data processing rates effective 1/1/95.	($5,279)R	($5,279)R
100 **Jordan-Adams** Eliminate Jordan-Adams non-salary inflationary increase.	($323,910)R	($674,814)R
101 **Reserve Capital Projects Parks** Eliminate reserve in continuation budget and defer consideration to expansion/capital budget.	($1,000,000)R	($1,000,000)R
Continuation Budget Changes	**($9,398,741)R**	**($9,824,645)R**
Total Position Changes	-91.47	-91.47
Revised Continuation Budget	**$227,019,388**	**$226,973,578**

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COMMERCE

Recommended Continuation Budget	**$36,263,089**	**$36,282,892**
Continuation Budget Changes		
Administrative Services		
102 **Abolish 1 position** Abolish 1 clerical position. Deputy Secretary and Assistant Secretary to share secretary. Receptionist III	($22,036)R -1.00	($22,036)R -1.00
103 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment.	($9,546)R	($9,546)R

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND

COMMERCE (Continued)	FY 95-96	FY 96-97
Business and Industry		
104 **Close California Office**	($75,000)**R**	($75,000)**R**
Close California office and reduce General Fund appropriation by $75,000. Reallocate remaining $75,000 of California office budget for three to four recruitment missions annually.		
105 **Reduce Supplies and Equipment**	($5,285)**R**	($5,285)**R**
Department's allocation for reduction of supplies and equipment.		
Commerce Finance Center		
106 **Reduce Industrial Building Renovation Fund**	($49,759)**R**	($49,759)**R**
Reduce Industrial Building Renovation Fund from $2,000,000 to $1,950,241.		
107 **Reduce Supplies and Equipment**	($123)**R**	($123)**R**
Departments allocation for reduction of supplies and equipment.		
Commission on Workforce Preparedness		
108 **Reduce Funding**	($115,847)**R**	($115,847)**R**
Increase the use of federal funds for administrative support. This action will reduce General Fund support to $100,000 for each year of the biennium.		
Community Assistance		
109 **Abolish 2 positions**	($104,792)**R**	($104,792)**R**
Abolish 1 position in regional office and move 1 position to CDBG receipts. Community Assistance Planner III Housing Code Specialist	-2.00	-2.00
110 **Reduce Supplies and Equipment**	($3,012)**R**	($3,012)**R**
Department's allocation for reduction of supplies and equipment.		
Economic Development Program		
111 **Abolish Position**	($82,000)**R**	($82,000)**R**
Eliminate Agriculture Advisor to the Governor position and related support.	-1.00	-1.00
112 **Reduce Programs**	($51,000)**R**	($208,000)**R**
Reduce funds appropriated in 1994 for start up costs for Economic Development Information System, Strategic Plan, and Video Conference Center. Leaves funds for ongoing needs intact.		
113 **Reduce Supplies and Equipment**	($21,059)**R**	($21,059)**R**
Department's allocation for reduction of supplies and equipment.		

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND

COMMERCE (Continued)	FY 95-96	FY 96-97
Energy		
114 **Transfer Positions to Receipt Support**	($138,113)**R**	($138,113)**R**
Abolish 4 General Fund supported positions by utilizing receipts to fund the following positions listed below:	-4.00	-4.00
Administrative Assistant I		
Office Assistant IV		
Energy Conservation Representative II		
Office Assistant IV		
115 **Reduce Supplies and Equipment**	($233)**R**	($233)**R**
Department's allocation for reduction of supplies and equipment.		
Executive Aircraft		
116 **Reduce Supplies and Equipment**	($16,425)**R**	($16,425)**R**
Department's allocation for reduction of supplies and equipment.		
Film Office		
117 **Reduce Supplies and Equipment**	($822)**R**	($822)**R**
Department's allocation for reduction of supplies and equipment.		
Global TransPark Marketing		
118 **Abolish 1 position**	($65,527)**R**	($65,527)**R**
Industrial Development Representative III	-1.00	-1.00
119 **Reduce promotional advertising**	($25,556)**R**	($25,556)**R**
120 **Reduce Supplies and Equipment**	($1,033)**R**	($1,033)**R**
Department's allocation for reduction of supplies and equipment.		
Industrial Commission		
121 **Reduce Supplies and Equipment**	($16,792)**R**	($17,944)**R**
Department's allocation for reduction of supplies and equipment.		
International Trade		
122 **Close Canadian Office**	($75,000)**R**	($75,000)**R**
Close office in Toronto, Canada, and reduce General Fund appropriation by $75,000 Reallocate remaining $75,000 of Canadian office budget to trade missions.		
123 **Grant-In-Aid**	($10,000)**R**	($10,000)**R**
Reduce the grant-in-aid to the Research Triangle International Visitors Center from $30,000 to $20,000 in each fiscal year.		
124 **Reduce Supplies and Equipment**	($5,278)**R**	($5,278)**R**
Department's allocation for reduction of supplies and equipment.		
Regionalism		
125 **Reduce Regional Funding**	($1,170,000)**R**	($1,170,000)**R**
Reduce grants-in-aid to seven (7) regional economic development commissions by 20%.		

H.B. 229 (PCCS–9153) **Continuation Budget Report** **COMMERCE** (Continued)	GENERAL FUND FY 95-96	GENERAL FUND FY 96-97
State Information Processing Services (SIPS)		
126 **SIPS Reductions** Department-wide - Reduce budgeted telecommunication rates due to efficiency and cost effective management of services effective 1/1/95.	($25,927)**R**	($25,927)**R**
Travel and Tourism		
127 **Abolish 1 position** Abolish clerical position in Sports Development Office. Clerk III	($23,686)**R** -1.00	($23,686)**R** -1.00
128 **Reduce promotional advertising**	($14,334)**R**	($14,334)**R**
129 **Reduce Supplies and Equipment** Department's allocation for reduction of supplies and equipment in Travel and Tourism programs.	($3,028)**R**	($3,028)**R**
130 **Reduce Supplies and Equipment-2** Department's allocation for reduction of supplies and equipment in Welcome Centers.	($4,146)**R**	($4,146)**R**
Wanchese Seafood Industrial Park		
131 **Restore Governor's Reduction** Restore Governor's reduction (reduction included in original base budget submission).	$100,301 **R** 2.00	$116,512 **R** 2.00
Continuation Budget Changes	**($2,035,058)R**	**($2,176,999)R**
Total Position Changes	-8.00	-8.00
Revised Continuation Budget	**$34,228,031**	**$34,105,893**

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MCNC		
Recommended Continuation Budget	**$21,580,000**	**$21,580,000**
Continuation Budget Changes		
MCNC		
132 **Reduce General Fund Support** Reduce the amount of General Fund support appropriated for MCNC.	($1,815,000)**R**	($1,815,000)**R**
Continuation Budget Changes	**($1,815,000)R**	**($1,815,000)R**
Total Position Changes		
Revised Continuation Budget	**$19,765,000**	**$19,765,000**

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NC BIOTECHNOLOGY CENTER		
Recommended Continuation Budget	**$8,014,396**	**$8,014,396**
Continuation Budget Changes		
N.C. Biotechnology Center		
133 **Reduce General Fund Support** Reduce the amount of General Fund support appropriated for the N.C. Biotechnology Center.	($350,000)**R**	($350,000)**R**

H.B. 229 (PCCS–9153) **Continuation Budget Report** GENERAL FUND
NC BIOTECHNOLOGY CENTER (Continued) FY 95-96 FY 96-97

Continuation Budget Changes	**($350,000)R**	**($350,000)R**
Total Position Changes		
Revised Continuation Budget	**$7,664,396**	**$7,664,396**

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RURAL ECONOMIC DEVELOPMENT CENTER

Recommended Continuation Budget	**$3,570,000**	**$3,570,000**
Continuation Budget Changes		
Rural Economic Development Center		
134 **Reduce Grants**	($50,000)R	($50,000)R
Reduce Research and Demonstration Grants.		
135 **Reduce Grant Technical Assistance**	($100,000)R	($100,000)R
Reduce grant technical assistance and administration.		
136 **Reduce Center Administration**	($50,000)R	($50,000)R
Reduce funding for Center administration, oversight and other programs.		
137 **Community Development Initiative, Inc.**	($200,000)R	($200,000)R
Reduce funding for Community Development Initiative, Inc.		
Continuation Budget Changes	**($400,000)R**	**($400,000)R**
Total Position Changes		
Revised Continuation Budget	**$3,170,000**	**$3,170,000**

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TRANSPORTATION

Recommended Continuation Budget	**$9,550,571**	**$10,163,781**
Continuation Budget Changes		
Aviation - General Fund		
1 **Delete Aviation Receipt**	($116,571)R	($116,571)R
Aviation		
Delete General Fund support of DOT's Aviation Division staff. The receipt is not tied to delivery of services to General Fund agencies. The staff will be paid from the Highway Fund.		
Continuation Budget Changes	**($116,571)R**	**($116,571)R**
Total Position Changes		
Revised Continuation Budget	**$9,434,000**	**$10,047,210**

H.B. 229 (PCCS-9153) **Continuation Budget Report** HIGHWAY FUND

DEPARTMENT OF TRANSPORTATION	FY 95–96	FY 96–97
Recommended Continuation Budget		
Continuation Budget Changes		
Transportation Administration		
2 **Increase Trust Fund Receipt**	($40,716)**R**	($40,716)**R**
Personnel - 0130		
Increase transfer from Highway Trust Fund to pay for Trust Fund created Personnel Analyst I. The position was inadvertently switched to the Highway Fund.		
3 **Reduce Funds for Safety Vests**		
Beautification Program - 0140	($40,000)**NR**	
Reduce spending for litter bags and safety vests for the Adopt-a-highway program in the first year of the biennium. Large orders of these items can be purchased every other year.		
4 **Abolish Vacancies**	($88,474)**R**	($88,474)**R**
Fiscal - 0210		
Abolish vacant Internal Auditor II and Accountant I positions.	-2	-2
5 **Eliminate Audit Expense**	($3,000)**R**	($3,000)**R**
Fiscal - 0210		
Eliminate Audit expense since the federal government allows this cost to be charged to construction projects.		
6 **Revert Financial System Funds**		
Management Information Systems (MIS)-0220	($1,300,000)**NR**	
Revert portion of funds appropriated in 1992 to begin upgrading the DOT financial system. $1 million will remain to do a systems design of the new financial system with major emphasis on processing work orders for construction and maintenance accounts.		
7 **Abolish Elevator Operator**	($20,201)**R**	($20,201)**R**
General Services - 0240		
Abolish one elevator operator in Transportation Building. (One operator will remain until the elevators are renovated next year.)	-1	-1
8 **End General Fund Support of DOT Aviation**	$116,571 **R**	$116,571 **R**
Aeronautics - 0350		
Eliminate General Fund receipt that originated in 1973 with transfer of 2 positions from Commerce to DOT. Increase Highway Fund to cover loss of this receipt.		

H.B. 229 (PCCS-9153) **Continuation Budget Report**	HIGHWAY FUND	
DEPARTMENT OF TRANSPORTATION (Continued)	FY 95-96	FY 96-97
9 **Abolish MIS position**	($49,981)**R**	($49,981)**R**
Management Information Systems - 0220		
Abolish Application Analyst		
Program Specialist.	-1	-1
10 **Abolish position**	($45,347)**R**	($45,347)**R**
Productivity Management - 0270		
Abolish Management Engineer I	-1	-1
Continuation Budget Changes	**($131,148)R**	**($131,148)R**
	($1,340,000)NR	
Total Position Changes	-5.00	-5.00
Revised Continuation Budget		
Transportation Operations		
11 **Increase Highway Trust Fund Receipt**	($252,243)**R**	($252,243)**R**
Program and Policy - 1040		
Increase transfer from the Highway Trust Fund to pay for 5 positions created for that fund. The positions were inadvertently assigned to the Highway Fund.		
12 **Increase Charges to Work Orders**	($95,000)**R**	($95,000)**R**
Highway Design - 2210		
Increase direct charges to work orders. The unit charged over $200,000 to projects in 1993-94. This increase will make the charge to work orders equal $150,000 in 1995-96.		
13 **Budget Charges to Work Orders**	($40,000)**R**	($40,000)**R**
Maintenance - 2230		
Budget charges to work orders. This unit charged $46,000 to projects in 1993-94 and is charging to work orders this year, but did not budget this as a receipt next year.		
14 **Abolish 2 Vacancies**	($94,381)**R**	($94,381)**R**
Construction - 2240		
Abolish two long-term vacancies: 1 MBE/EEO Compliance Specialist 1 Transportation Engineer II	-2	-2
15 **Increase Charges to Projects**	($371,147)**R**	($371,147)**R**
Highway Engineering Associate Program - 2420		
Increase charges to work orders for this trainee program. The engineering trainees are charging more of their time to projects than is currently budgeted.		
Continuation Budget Changes	**($852,771)R**	**($852,771)R**
Total Position Changes	-2.00	-2.00
Revised Continuation Budget		

H.B. 229 (PCCS-9153) **Continuation Budget Report** HIGHWAY FUND

DEPARTMENT OF TRANSPORTATION (Continued)	FY 95-96	FY 96-97
Transportation Construction and Maintenance		
16 **Revert DMV Roofing Funds**		
Revert funds appropriated from 1989 to 1993 for reroofing DMV buildings. The department has failed to utilize the funds for their intended purpose.	($303,580)**NR**	
17 **Abolish Analyst in Central Services**		
General Services - 3390		
Abolish Management Analyst charged to construction work orders. This will save $54,322 in charges to facility renovation and construction projects.	-1	-1
18 **Revert Ferry Operations Balance**		
Ferry Operations - 5300	($200,000)**NR**	
Revert half of the Ferry Division's estimated operations fund balance at end of FY 1994-95. Previous fund balances have been used by DOT to fund expansion items not approved by the General Assembly.		
19 **Revert Rest Area Funds**		
Capital	($335,100)**NR**	
Revert funds appropriated in 1989 for a rest area in Beaufort County on US 264. The project is now in the TIP and will receive federal funds.		
20 **Revert Unexpended Capital Allotments**		
Capital - DMV	($3,473,586)**NR**	
Revert unexpended allotments for DMV capital projects from 1987 to 1992. All project overdrafts and encumbrances will be covered before funds are reverted.		
21 **Abolish field positions**		
Abolish 45 field positions in Construction and Maintenance. This will reduce charges to work orders by $1,248,934, but will not reduce the Highway Fund appropriation.	-45	-45
Continuation Budget Changes	**($4,312,266)NR**	
Total Position Changes	-46.00	-46.00
Revised Continuation Budget		
Division of Motor Vehicles		
22 **Increase Receipts**		
Commissioner's Office - 0510	($18,000)**NR**	
Increase Object Code 0990 - Other Receipts for the sale of Motor Vehicle law books.		

H.B. 229 (PCCS-9153) **Continuation Budget Report**	HIGHWAY FUND	
DEPARTMENT OF TRANSPORTATION (Continued)	FY 95-96	FY 96-97
23 **Vehicle Registration Position Cuts**		($1,600,000)**R**
Vehicle Registration - 0520		
Abolish 105 positions due to installment of new vehicle registration computer system in November 1995.		-105
24 **Registration Receipts**	($75,000)**R**	($75,000)**R**
Vehicle Registration - 0520		
Increase receipt for registration information.		
25 **Commercial Driver Schools Receipts**	($4,625)**R**	($4,625)**R**
School Bus and Traffic Safety - 0540		
Increase receipt from Commercial Driver Training Schools.		
26 **Abolish vacant positions**	($134,485)**R**	($134,485)**R**
Abolish the following vacant positions:		
Administrative Secretary V (0511)	-5	-5
Clerk III (0521)		
Records Clerk III (0530)		
Clerical Supervisor V (0550)		
Clerk III (0570)		
27 **Additional Vehicle Registration Cuts**	($171,300)**R**	($171,300)**R**
Vehicle Registration - 0520		
The Secretary of DOT offered 8 additional vacant positions to be abolished in DMV.	-8	-8
Continuation Budget Changes	**($385,410)R**	**($1,985,410)R**
	($18,000)NR	
Total Position Changes	-13.00	-118.00
Revised Continuation Budget		
Transportation Reserves		
28 **Retirement Contribution Rate**	($154,963)**R**	($154,963)**R**
Decrease contribution rate to the Teachers' and State Employees' Retirement System by .10% to be transferred to the Disability Income Plan.		
29 **Inmate Labor**	($4,614,056)**R**	($4,614,056)**R**
Abolish the appropriation from the General Fund - DOC ($6,130,430) and from the Highway Fund - DOT ($4,614,056) for the medium custody inmate road squads. Instead, the $10.7 million cost of the program will be charged to DOT's $322.5 million maintenance account as work is performed. There is no increase in maintenance funds in the base budget.		

H.B. 229 (PCCS-9153) **Continuation Budget Report**	HIGHWAY FUND	
DEPARTMENT OF TRANSPORTATION	FY 95-96	FY 96-97
(Continued)		
30 **Driver Education**	($2,000,000)**R**	($2,000,000)**R**
Reduce funding for the Driver Education program in DPI. The program reverted $4 million last year.		
31 **Fix Amortization Period**	($201,451)**R**	($201,451)**R**
Reduce the contribution rate to the Teachers' and State Employees' Retirement System by .13% as a result of freezing the amortization period at nine years (excludes field positions).		
32 **Disability Income Plan Increase**	$154,963 **R**	$154,963 **R**
Increase contribution rate to Disability Income Plan by .10% (excludes field positions).		
Continuation Budget Changes	**($6,815,507)R**	**($6,815,507)R**
Total Position Changes		
Revised Continuation Budget		

	HIGHWAY TRUST FUND	
	FY 95-96	FY 96-97
Highway Trust Fund		
33 **Retirement Rate Change**	($6,548)**R**	($6,548)**R**
Decrease contribution rate to the Teachers' and State Employees' Retirement System by .10% to be transferred to the Disability Income Plan.		
34 **Abolish 4 vacant positions**	($160,276)**R**	($160,276)**R**
Abolish 4 vacancies in the following fund codes:		
Engineering Technician III (2320)	-4	-4
Word Processor III (2320)		
Transportation Engineer Manager I (2353)		
MBE/EEO Specialist (2240)		
35 **Fix Amortization Period**	($8,512)**R**	($8,512)**R**
Reduce the contribution rate to the Teachers' and State Employees' Retirement System by .13% as a result of freezing the amortization period at nine years (excludes field positions).		
36 **Disability Income Plan Increase**	$6,548 **R**	$6,548 **R**
Increase contribution rate to Disability Income Plan by .10%.		
Continuation Budget Changes	**($168,788)R**	**($168,788)R**
Total Position Changes	-4.00	-4.00
Revised Continuation Budget		

H.B. 229 (PCCS-9153) **Continuation Budget Report** HIGHWAY FUND
(Page 1G) FY 95-96 FY 96-97

STATEWIDE RESERVES

Recommended Continuation Budget

Continuation Budget Changes

Statewide Reserves		
1.01 **Fix Amortization Period** Reduction in contribution rate to Teachers'and State Employees' of 0.13% as a result of freezing the amortization period at nine years.	($6,410,000)**R**	($6,410,000)**R**
1.02 **Retirement Contribution Rate** Decrease contribution rate to the Teachers' and State Employees' System by .10% to be transferred to the Disability Income Plan.	($4,930,400)**R**	($4,930,400)**R**
1.03 **Disability Income Plan Increase** Increase in Contribution Rate of .10% to Disability Income Plan for members of the Teachers' and State Employees' System and Optional Retirement System.	$5,256,000 **R**	$5,256,000 **R**
Continuation Budget Changes	**($6,084,400)R**	**($6,084,400)R**
Total Position Changes		
Revised Continuation Budget		

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H.B. 230 (Proposed Conference Committee Substitute 5175)
June 28, 1995--See page 1359

HOUSE AND SENATE CONFERENCE REPORT ON EXPANSION BUDGET/CAPITAL BUDGET July 28, 1995

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Conference Committee Expansion/Capital Report

	1995–96 Recurring	1995–96 Non–Recurring	1995–96 Total Operating	1996–97 Recurring	1996–97 Non–Recurring	1996–97 Total Operating
Debt Service	**15,031,552**	**0**	**15,031,552**	**24,369,052**	**0**	**24,369,052**
Education						
Public Education	4,863,448	32,526,146	37,389,594	32,178,818	0	32,178,818
Community Colleges	11,031,685	15,551,317	26,583,002	11,031,685	0	11,031,685
University	144,000	1,678,646	1,822,646	487,646	500,000	987,646
Total Education	**16,039,133**	**49,756,109**	**65,795,242**	**43,698,149**	**500,000**	**44,198,149**
General Government						
Administration	348,704	216,735	565,439	348,704	0	348,704
Auditor	103,271	12,800	116,071	103,271		103,271
Cultural Resources	740,673	10,371,326	11,111,999	887,257	0	887,257
General Assembly	0	285,000	285,000	0	0	0
Insurance	485,000	515,000	1,000,000	1,985,000	0	1,985,000
Office of Governor	138,608	559,571	698,179	183,383	1,000,000	1,183,383
Office of State Budget & Mgnt.	0	75,000	75,000	0	0	0
Revenue	3,265,811	8,040,412	11,306,223	3,040,615	116,600	3,157,215
Secretary of State	201,537	10,700	212,237	201,537	0	201,537
State Board of Elections	1,000	575,000	576,000	1,000	3,500,000	3,501,000
State Controller	1,474,842	6,490,457	7,965,299	1,593,851	0	1,593,851
State Treasurer–Pensions	4,448,000		4,448,000	4,448,000		4,448,000
Total General Government	**11,207,446**	**27,152,001**	**38,359,447**	**12,792,618**	**4,616,600**	**17,409,218**
Human Resources						
Child Development	290,124	950,000	1,240,124	310,243	100,000	410,243
Office of Secretary	400,000	2,000,000	2,400,000	400,000		400,000
Services for the Deaf/HH	500,000	0	500,000	1,500,000	0	1,500,000
Aging	515,000	100,000	615,000	515,000		515,000
Social Services	942,067	300,000	1,242,067	853,199	0	853,199

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report Summary 1995-96/1996-97**(Continued)

	1995–96 Recurring	1995–96 Non–Recurring Operating	1995–96 Total	1996–97 Recurring	1996–97 Non–Recurring	1996–97 Total Operating
Human Resources (Continued)						
Services for the Blind	425,000	0	425,000	425,000	0	425,000
Mental Health, Developmental			0			0
Disabilities and Substance Abuse	13,000,000	400,000	13,400,000	18,182,213	0	18,182,213
Vocational Rehab	1,135,000	0	1,135,000	1,135,000	0	1,135,000
Youth Services	991,371	0	991,371	1,610,541	0	1,610,541
Total Human Resources	**18,198,562**	**3,750,000**	**21,948,562**	**24,931,196**	**100,000**	**25,031,196**
Justice & Public Safety						
Correction	7,615,200	2,833,456	10,448,656	45,235,450	561,971	45,797,421
Crime Control & Public Safety	200,542	754,932	955,474	199,872	125,000	324,872
Judicial	2,854,907	2,722,228	5,577,135	3,170,506	298,062	3,468,568
Justice	594,005	389,380	983,385	698,711	295,294	994,005
Total Justice & Public Safety	**11,264,654**	**6,699,996**	**17,964,650**	**49,304,539**	**1,280,327**	**50,584,866**
Natural & Economic Resources						
Agriculture	0	200,000	200,000	0	0	0
Commerce	267,041	6,650,000	6,917,041	267,041	1,250,000	1,517,041
Microelectronics Center	0	(1,000,000)	(1,000,000)	0	0	0
Rural Economic Development Center	0	3,800,000	3,800,000	0	0	0
Environment, Health,						
Natural Resources	3,299,750	3,926,190	7,225,940	3,259,750	500,000	3,759,750
Labor	36,000		36,000	39,348	0	39,348
Total Nat'l & Economic Res.	**3,602,791**	**13,576,190**	**17,178,981**	**3,566,139**	**1,750,000**	**5,316,139**
Reserves:						
Compensation Increase	99,336,570	3,521,609	102,858,179	99,336,570	0	99,336,570
Reserve for Administrative						
Rules Process	167,000	40,000	207,000	167,000	0	167,000
Reserve for Salary Adjustments	800,000		800,000	800,000	0	800,000

	1995–96 Recurring	1995–96 Non–Recurring Operating	1995–96 Total	1996–97 Recurring	1996–97 Non–Recurring	1996–97 Total Operating
Reserves (Continued):						
Reserve for Child Support Legislation	170,000	399,300	569,300	170,000	0	170,000
Total Reserves	**100,473,570**	**3,960,909**	**104,434,479**	**100,473,570**	**0**	**100,473,570**
Total Operating Budget	**175,817,708**	**104,895,205**	**280,712,913**	**259,135,263**	**8,246,927**	**267,382,190**
Capital Improvements	**0**	**113,522,500**	**113,522,500**	**0**	**157,267,000**	**157,267,000**
Total Expansion/Capital Improvements	**175,817,708**	**218,417,705**	**394,235,413**	**259,135,263**	**165,513,927**	**424,649,190**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued) (Pages 1A-2A)	GENERAL FUND FY 95-96	GENERAL FUND FY 96-97
COMMUNITY COLLEGES		
Expansion Budget		
Revised Continuation Budget	$436,169,834	$440,765,325
Department of Community Colleges		
1 **Improve Curriculum Faculty/Student Ratio-** Reduce the current faculty/student ratio to provide additional funds to all community colleges through the funding formula on a sliding scale as requested by the State Board of Community Colleges: 1 to 17 for the first 250 FTE 1 to 18 for the next 125 FTE 1 to 19.5 for the next 125 FTE 1 to approximately 21.55 for all FTE over 500	$12,600,00 **R**	$12,600,000 **R**
2 **Change "Continuing Budget" Parameters** Under the continuing budget concept adopted by the 1994 Session of the General Assembly, community colleges' budgets are not adjusted for enrollment declines or growth until they exceed 4%. This proposal would change the percentages necessary for enrollment adjustments: Colleges would not lose FTE until their declines exceeded 5%. They would get growth money when their additional FTE exceeded 3%.	$1,085,485 **R**	$1,085,485 **R**
3 **Focused Industrial Training (FIT) Increase** These funds add four new FIT centers and increase the "balance of state" funds for those colleges without a center. 33 colleges now have a FIT center which provides customized training services to existing industries.	$507,032 **R**	$507,032 **R**
4 **State Information Processing Services (SIPS)Charge** This will fund the additional cost of the community college system's computer operation due to moving from the Education Computing Services (ECS) to SIPS beginning July 1.	$243,600 **R**	$243,600 **R**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Community Colleges (Continued)	FY 95-96	FY 96-97
5 **Library Cataloging Costs**	$46,000 **R**	$46,000 **R**
The On-Line College Library Center (OCLC) has increased its cost for the national library cataloging services that are used by the Department of Community Colleges to catalog books centrally for all community colleges		
6 **Equipment and Books**	$11,500,000 **NR**	
Funds a portion of the non-recurring money that was appropriated during the 1994 Session to community colleges for equipment and books.		
7 **Enrollment**	($3,450,432)**R**	($3,450,432)**R**
Community Colleges estimated enrollment changes over the 1994-95 budget:		
210 Curriculum FTE: $513,857		
(1,719) Occupational Extension FTE: ($2,666,805)		
(547) Literacy FTE: ($1,297,484)		
FTE estimated to be budgeted in FY 1995-96:		
Curriculum: 107,748		
Occupational Extension: 16,894		
Literacy: 13,740		
TOTAL 138,382		
8 **Tuition Shortfall**	$3,826,317 **NR**	
Tuition receipts were under collected due to the statutory tuition exemption for such groups as senior citizens, prison inmates, and fire, rescue and law enforcement personnel. This funds the loss in tuition receipts. The Office of State Budget and Management shall adjust the budgeted receipts per FTE during the 1996-97 and subsequent fiscal years to account for statutory tuition exemptions and the continuing budget parameters.		
9 **State Board Reserve-**	$100,000 **NR**	
Provides additional start-up funds for new programs, particularly in prisons.		
10 **Center for Applied Textile Technology-**	$125,000 **NR**	
Grant to the statewide Center for Applied Textile Technology for off-campus, specialized training programs in textile manufacturing.		
Total Expansion	**$11,031,685 R**	**$11,031,685 R**
	$15,551,317 NR	
Total Position Changes		
Total Agency Budget	**$462,752,836**	**$451,797,010**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued) (Pages 3A-4A)	GENERAL FUND FY 95-96		GENERAL FUND FY 96-97	
PUBLIC EDUCATION				
Revised Continuation Budget	$3,923,051,726		$3,988,143,700	
Department of Public Instruction				
11 **Nat. Bd. for Prof. Teaching Standards, Fees & Days** Provide funds for teacher workdays and payment of fees for teachers applying for certification by the National Board for Professional Teaching Standards.	$230,776	**NR**		
12 **Nat. Bd. for Prof. Teaching Standards, Bonus** Provide for an annual bonus for teachers achieving National Board Certification.	$245,582	**R**	$245,582	**R**
13 **Total Quality Education** Provide funds for Total Quality Education training program provided through the North Carolina Business Committee for Education.	$400,000	**NR**		
14 **Funds for the School Technology Commission** Provide operating funds for the School Technolgy Commission.	$30,000	**NR**		
15 **Increase Prospective Teacher Loan Funds** Addtional funds for the prospective teacher loan program.	$417,575	**R**	$417,575	**R**
State Aid to Local School Administrative Units				
16 **Funding for A+ Schools** Provide funding to match at a 2:1 ratio to implement the A+ School Program. Matching funds will be provided by the Kenan Charitable Trust.	$500,000	**NR**		
17 **Class size Funds for Grade 1** Appropriate funds for teachers based on a class size ratio of one teacher to every twenty three children in the first grade. Funds can be used by local school systems to reduce class size in the first grade, and to reduce the class size or the student ratio in grades K-3 in classes such as reading.	$18,577,269	**R**	$18,577,269	**R**
18 **Alternative School Funds** Provide funds to assist local school systems in establishing alternative school programs.	$3,200,000	**R**	$3,200,000	**R**
19 **Low Wealth Supplemental Funding** Provide additional supplemental funding for low wealth school systems.	$6,200,000	**R**	$6,200,000	**R**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

		GENERAL FUND	
Expansion Budget (Continued)			
Public Education (Continued)		FY 95-96	FY 96-97
20	**Provide Additional Textbook Funds** Provide additional textbook funds to local school systems.	$3,000,000 **R**	$3,000,000 **R**
21	**Supplemental Funding for Small School Systems** Provide for funding and phase out of small school systems that become ineligible because of growth in average daily membership.	$538,392 **R**	$538,392 **R**
22	**Funding for School Buses** Shift continuation funding for school buses in FY1995-96 from recurring revenue sources to nonrecurring revenue sources. Of the $43,208,243 appropriated for school buses in FY1995-96, $27,315,370 is appropriated from nonrecurring sources.	($27,315,370) **R** $27,315,370 **NR**	
23	**Exceptional Children Funds** Provide additional funding for those school systems whose head count of handicapped children is in excess of 12.5% of their average daily membership.	$1,000,000 **NR**	
24	**School-Based Incentive Pay** Provide funding for a school-based incentive award program to be administrated by the State Board of Education.	$2,000,000 **NR**	
25	**Additional Funding for Pupil Transportation** Provide additional funding to local school systems for pupil transportation.	$1,000,000 **NR**	
26	**Funding for the McSmiles Program** Provide funding for the McSmiles preschool program.	$50,000 **NR**	
Total Expansion		**$4,863,448 R** **$32,526,146 NR**	**$32,178,818 R**
Total Position Changes			
Total Agency Budget		**$3,960,441,320**	**$4,020,322,518**

(Pages 5A-8A)

UNC SYSTEM			
Revised Continuation Budget		$1,275,558,646	$1,289,027,630
1. Enrollment Increases			
27	**Regular Term** Provide for an additional 1,631 students in 95-96 and 2,766 students in 96-97	$3,213,152 **R** 27.60	$11,395,764 **R** 107.80
28	**Summer School** Provide for additional resident credit hours; adjust for military summer school tuition at Fayetteville State	$148,820 **R**	$118,339 **R**
29	**Tuition at Current Rates** Costs paid by additional students	($738,239) **R**	($2,284,132) **R**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
UNC System (Continued)	FY 95-96	FY 96-97
2. Schedule of Priorities		
30 **Masters in School Administration Programs**	$800,000 **R**	$800,00 **R**
Fund development of new programs to train public school administrators as directed by the General Assembly		
31 **Principal Fellows Program**	$1,050,000 **R**	$2,000,00 **R**
Funding for additional fellows over next two years.		
32 **Change in Institutional Status**	$669,454 **R**	$657,570 **R**
Funds to support the changes in mission and institutional status at Pembroke State (change to Comprehensive II institution) and UNC-Asheville	13.00	13.00
(change to Liberal Arts I institution)		
33 **Principals' Executive Program**	$144,000 **R**	$144,000 **R**
Additional funds for basic operating costs.		
34 **Area Health Education Centers**	$2,000,000 **R**	$2,000,000 **R**
Continue and expand primary care training initiatives, including clinical training for mid-level practicioners		
35 **N.C. Center for the Advancement of Teaching**	$125,000 **R**	$125,000 **R**
Expand programs to reach additional public school teachers, including assistance to low-performing school districts	1.00	1.00
and programs across the state.		
36 **Student Work/Study Matching Funds**	$187,000 **R**	$187,000 **R**
Additional funds to provide job opportunities for students on campus. Students working on campus have been found to be more persistent students than those. working off campus.		
37 **Model Clinical Teaching Programs**	$550,000 **R**	$550,000 **R**
Fund model clinical teaching programs at East Carolina, UNC-Wilmington & Pembroke State		
38 **Technology Training for Public School Teachers**	$750,000 **R**	$850,000 **R**
Provides equipment and ongoing support to ensure that faculty and future graduates of UNC Schools of Education have knowledge of computer systems and other technology used to enhance learning in the public schools		
39 **Board of Governors Teaching Awards**	$250,000 **R**	$250,000 **R**
Provide General Fund money to continue program directed by the General Assembly in 1993. Provides UNC system teaching awards; provides campus-based teaching award funding for all campuses.		

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
UNC System (Continued)	FY 95-96	FY 96-97
40 **New Degree Programs** Provide for expansion of programs for training allied health and related professions	$1,700,000 **R**	$1,700,000 **R**
41 **Library Study** Fund University-wide study of library resources, assessing adequacy based on various criteria.	$185,000 **NR**	
42 **Library Resources** Provide funds for purchase of books, journals, and other needs to supplement the continuation budgets of the campuses.	$2,000,000 **R**	$3,000,000 **R**
43 **Distinguished Professorships Endowment Funds** Additional State funds to create endowed faculty chairs by matching private donations on the basis of one state dollar for every two private dollars .	$500,000 **NR**	$500,000 **NR**
44 **Computing and Telecommunications** Funding for purchases of equipment, for telecommunications infrastructure, and other needs.	$1,500,000 **R**	$2,000,000 **R**
3. Institutional Enhancement		
45 **Faculty Development** Funds for faculty training and development	$500,000 **NR**	
46 **Infection Control Program** Provide continuing funds for efforts of UNC-CH Medical School to train and consult with health care facilities across the state in prevention and control of infectious outbreaks.	$75,000 **R**	$75,000 **R**
47 **TEACCH Program Expansion** Expand UNC-CH program serving persons with autism by providing. a regional center in Fayetteville	$343,646 **NR** 7.00	$343,646 **R** 7.00
48 **Law School Improvement** Enhance academic offerings at N.C. Central School of Law by providing funds for two additional faculty members.	$150,000 **R** 2.00	$150,000 **R** 2.00
49 **Small Business Development** Support for Ben Craig Center at UNC-Charlotte	$150,000 **NR**	
3A. Other Items		
50 **Extension of Off-campus Opportunities** Provide for funding baccalaureate programs at pilot sites away from UNC campuses to expand educational access to working adults and to increasing numbers of high school graduates	$1,000,000 **R**	$1,000,000 **R**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued) **UNC System** (Continued)	GENERAL FUND FY 95-96	 FY 96-97
4. Related Education Programs		
51 **Incentive Scholarships for Native Americans** Continues phase in of second class of scholars in this program initiated in 1994-95 to increase the college-going rate of American Indians.	$200,000 R	$200,000 R
5. N.C. School of Science & Math		
52 **Distance Learning Project** Expand offerings of mathematics and science courses to rural and other schools using telecommunications technology.	$200,000 R 6.00	$350,000 R 6.00
6. Agricultural Programs		
53 **Tobacco Research** Increased state funding for tobacco research	$300,000 R	$300,000 R
54 **Animal Waste Management and Utilization Research** Provide new resources to protect environmental resources and ensure the continued profitability of the swine, poultry, and beef industries	$500,000 R	$500,000 R
55 **Agricultural Education Programs** Provides funding for agricultural education positions at N.C. State to expand efforts of Future Farmers of America to work with children in the public schools (H 763)	$585,000 R	$585,000 R
56 **Forestry Geneticist** Provide forestry geneticist and related support to develop best stock from N.C. Christmas tree industry.	$150,000 R 2.00	$150,000 R 2.00
7. Tuition Increases		
57 **Tuition Increases for UNC Expansion** Provides for tuition increases of $75 in 95-96; and $28 to $38 in 96-97 for in-state students at most campuses, and $51 at the N.C. School of the Arts (96-97). Provides tuition increase for out-of-state students of 6% in 95-96 and 4.5% in 96-97, except for UNC-CH and NC State. Out-of-state students at these two schools have tuition increases of 7.9% in 95-96 and and 5% in 96-97. Current tuition remission policies will continue.	($17,548,195) R	($28,453,449) R
8. Student Financial Aid		
58 **Need-based Financial Aid** Additional need-based student financial aid for in-state students to defray tuition increase costs	$183,008 R	$1,793,908 R

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued) **UNC System** (Continued)	GENERAL FUND FY 95-96	 FY 96-97
Total Expansion	**$144,000 R** **$1,678,646 NR**	**$487,646 R** **$500,000 NR**
Total Position Changes	58.60	138.80
Total Agency Budget	**$1,277,381,292**	**$1,290,015,276**

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ADMINISTRATION

Revised Continuation Budget	$52,039,811	$53,294,727
(1311) Office of State Personnel		
1 **3210 Telephone Service** Provide funds to replace telephone system.	$60,000 **NR**	
2 **3800 Data Processing Services** Increase budget to meet actual expense of the Personnel Management Information System (PMIS).	$348,704 **R**	$348,704 **R**
3 **5210 Data Processing Equipment** Appropriate funds to replace obsolete system.	$156,735 **NR**	
Total Expansion	**$348,704 R** **$216,735 NR**	**$348,704 R**
Total Position Changes		
Total Agency Budget	**$52,605,250**	**$53,643,431**

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AUDITOR

Revised Continuation Budget		$8,822,793	$8,828,840
(1210) Field Audit Division			
4 **Two Additional Positions**		$103,271 **R**	$103,271 **R**
Salaries & Benefits	$97,371	$12,800 **NR**	
Supplies	$1,200	2.00	2.00
Travel	$2,000		
Communication	$600		
Education	$1,500		
General Expense	$600		
Furniture and Equip.	$12,800		
Total Expansion		**$103,271 R** **$12,800 NR**	**$103,271 R**
Total Position Changes		2.00	2.00
Total Agency Budget		**$8,938,864**	**$8,932,111**

(Pages 3B-4B)

CULTURAL RESOURCES

Revised Continuation Budget	$44,125,706	$45,025,630
(1110) Office of the Secretary		
5 **3250 Postage** Add funds for postage and stationary due to increased volume of correspondence.	$15,000 **R**	$15,000 **R**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

		GENERAL FUND	
Expansion Budget (Continued)			
Cultural Resources (Continued)		FY 95-96	FY 96-97
6	**6440 Local Museum Funds** Appropriate funds to local museums as grants-in-aid.	$2,000,000 **NR**	
7	**6430 Grants to Local Organizations** Provides funds to local arts, cultural, and historical organizations.	$6,000,000 **NR**	
(1120) Administrative Services			
8	**Data Processing Services** Provide funds to meet expenses related to SAS.	$28,898 **R**	$28,898 **R**
9	**Data Processing Requirements** Add funds to support network cost, and replace and upgrade equipment and software.	$9,275 **R** $21,326 **NR**	$9,275 **R**
(1210) Archives & History - Admin			
10	**6414 Confederate Cemetery** Add funds for maintenance.	$2,500 **R**	$2,500 **R**
(1210) Archives & History - Admin			
11	**8305 First Flight Centennial Commission** Appropriate funds to support the operation of the commission.	$100,000 **R**	$100,000 **R**
(1480) State Library Services			
12	**3240 Network Migration** Appropriate funds to support the library network migration to State Telecommunications Services, effective October 1, 1995.	$585,000 **R** $350,000 **NR**	$731,584 **R**
13	**8304 State Aid to Libraries** Provide funds for grants to public libraries, including school libraries for operation and construction.	$2,000,000 **NR**	
Total Expansion		**$740,673 R** **$10,371,326 NR**	**$887,257 R**
Total Position Changes			
Total Agency Budget		**$55,237,705**	**$45,912,887**

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GENERAL ASSEMBLY			
Revised Continuation Budget		$27,313,680	$30,702,253
(0000) All Divisions			
14	**General Fund Financial Model** To review and update the General Fund Financial Model.	$35,000 **NR**	
15	**Legislative Research Commission** Funding for studies conducted by the Legislative Research Commission.	$250,000 **NR**	
Total Expansion		**$285,000 NR**	
Total Position Changes			
Total Agency Budget		**$27,598,680**	**$30,702,253**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
(Page 6B)	FY 95-96	FY 96-97
GOVERNOR		
Revised Continuation Budget	$4,833,590	$4,852,628
(0000) All Divisions		
16 **Computer System**	$73,608 R	$118,383 R
To provide a computerized network system for the	$359,571 NR	
Office of the Governor.	1.00	1.00
17 **Senior Citizens - Citizen Affairs**	$65,000 R	$65,000 R
Position needed to address senior citizen concerns promptly through response to incoming calls and mail, and through meetings across the state.	1.00	1.00
18 **Office of Military Affairs**	$200,000 NR	$1,000,000 NR
Appropriation needed to pay for additional Base Realignment and Closing (BRAC) costs, and grants to enhance N.C. military presence.		
Total Expansion	**$138,608 R**	**$183,383 R**
	$559,571 NR	**$1,000,000 NR**
Total Position Changes	2.00	2.00
Total Agency Budget	**$5,531,769**	**$6,036,011**

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INSURANCE		
Revised Continuation Budget	$18,425,166	$18,466,396
(0000) All Divisions		
19 **Consumer Protection Fund**	$485,000 R	$485,000 R
Reestablish the Consumer Protection Fund at a lower level, and hire two senior attorneys and one support position to assist with rate cases.	$515,000 NR	
	3.00	3.00
Consumer Prot Fd $750,000 $250,000		
Staff & Opr Exp $250,000 $235,000		
20 **NC Home Inspectors Licensure Board**		
Funding for the NC Home Inspectors Licensure Board created in the 1994 session of the General Assembly, and one employee to develop educational and testing procedures for the program. The Board shall reimburse the Dept. for its services to the Board. Total annual recurring costs and anticipated receipts are projected to be $43,586.	1.00	1.00
21 **Building Code Sales**		
Increase in projected Building Code sales. Cost of sales are covered by receipts. Total cost of sales and revenue from sales are projected to increase by $500,000.		

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Insurance (Continued)	FY 95-96	FY 96-97
22 **Workers' Compensation - Volunteer Fire & Rescue**		$1,500,000 **R**
Workers' compensation for volunteer fire and rescue/EMS units.		
Total Expansion	**$485,000 R**	**$1,985,000 R**
	$515,000 NR	
Total Position Changes	4.00	4.00
Total Agency Budget	**$19,425,166**	**$20,451,396**

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REVENUE		
Revised Continuation Budget	$59,706,976	$59,602,150
(0000) All Divisions		
23 **Integrated Tax Administration System (ITAS)**	$2,981,070 **R**	$2,755,874 **R**
To complete development and implementation of Phase 1 of the Integrated Tax Administration System (ITAS).	$7,631,792 **NR**	
	1.00	1.00
24 **Premiums Tax collection by the Dept. of Revenue**	$105,241 **R**	$105,241 **R**
Collection and administration of the Insurance Company Gross Premiums Tax was transferred from the Dept. of Insurance to the Dept. of Revenue.	$178,031 **NR**	
	2.00	2.00
25 **Individual Income Tax cut admin. expense**	$116,600 **NR**	$116,600 **NR**
The enactment of legislation increasing the amount of personal exemption allowed to taxpayers will require the issuance of revised withholding tables for tax years 1995 and 1996.		
26 **Intangibles Tax administrative cost**	$111,489 **NR**	
Administrative cost to the Dept. associated with the repeal of the Intangibles Tax. The two positions are time limited.	2.00	
27 **Property Tax Commission travel**	$15,000 **R**	$15,000 **R**
Travel expenses have increased due to the significant increase in work load for the Property Tax Commission.		
28 **Field Operations Division travel**	$100,000 **R**	$100,000 **R**
Prior budget reductions coupled with increased mileage rate allowances have adversely impacted the divisions ability to travel.		
29 **Interstate Auditor**	$64,500 **R**	$64,500 **R**
Add one interstate auditor position.	$2,500 **NR**	
	1.00	1.00

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued) **Revenue** (Continued)	GENERAL FUND FY 95-96	 FY 96-97
Total Expansion	**$3,265,811 R** **$8,040,412 NR**	**$3,040,615 R** **$116,600 NR**
Total Position Changes	6.00	4.00
Total Agency Budget	**$71,013,199**	**$62,759,365**

(Page 9B)

SECRETARY OF STATE		
Revised Continuation Budget	$4,580,487	$4,632,853
(1210) Corporations Filing Division		
30 **Extra Positions and Data Processing**	$145,000 **R**	$145,000 **R**
Four Additional Positions and $50,000	$10,700 **NR**	
in Data Processing	4.00	4.00
(1400) Land Records Management		
31 Internal System Consultant Position	$56,537 **R**	$56,537 **R**
Salary and Benefits	1.00	1.00
Total Expansion	**$201,537 R** **$10,700 NR**	**$201,537 R**
Total Position Changes	5.00	5.00
Total Agency Budget	**$4,792,724**	**$4,834,390**

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STATE BOARD OF ELECTIONS		
Revised Continuation Budget	$835,456	$835,673
(1100) Administration		
32 **Computerized Voter Registration System**		$3,500,000 **NR**
Establishes a reserve fund for grants		
to counties to implement the Statewide		
Computerized Voter Registration System		
33 **March Primary**	$1,000 **R**	$1,000 **R**
34 **Statewide Ballot Issues**	$245,000 **NR**	
Special November referendum		
35 **Printing**	$260,000 **NR**	
Additional funding to cover		
rising costs of printing ballots		
and voter registration forms.		
(1100) Campaign Reporting		
36 **Campaign Finance Reporting Software**	$70,000 **NR**	
Development and installment		
of software that would allow		
candidates to file campaign		
reports electronically		
Total Expansion	**$1,000 R** **$575,000 NR**	**$1,000 R** **$3,500,000 NR**
Total Position Changes		
Total Agency Budget	**$1,411,456**	**$4,336,673**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
(Page 11B)		
STATE BUDGET AND MANAGEMENT	FY 95-96	FY 96-97
Revised Continuation Budget	$3,442,164	$3,578,579
(0000) All Divisions		
37 **Office Equipment** To replace or purchase equipment used in daily operations of Office.	$75,000 **NR**	
Total Expansion	**$75,000 NR**	
Total Position Changes		
Total Agency Budget	**$3,517,164**	**$3,578,579**
(Page 12B)		
STATE CONTROLLER		
Revised Continuation Budget	$8,718,487	$8,727,680
(1000) Divisionwide		
38 **State Accounting System (SAS)** Provide one-time funds to complete implementation of the SAS, and funding for data processing costs due to increased usage.	$1,055,176 **R** $3,500,000 **NR**	$1,174,185 **R**
39 **3200 Communication** Appropriate funds to install telephone system due to staff relocation.	$160,097 **NR**	
40 **4100 Office Rental** Appropriate funds to support lease costs to relocate staff currently housed in the Revenue Building.	$419,666 **R**	$419,666 **R**
41 **5000 Furniture and Equipment** Purchase furniture and equipment for relocated staff.	$304,000 **NR**	
42 **Information Highway** Provides nonrecurring support for 70 existing information highway sites. Funds four new sites to test system use for data transmission.	$2,526,360 **NR**	
Total Expansion	**$1,474,842 R** **$6,490,457 NR**	**$1,593,851 R**
Total Position Changes		
Total Agency Budget	**$16,683,786**	**$10,321,531**
(Page 13B)		
TREASURER		
Revised Continuation Budget	$13,493,068	$13,501,147
(1410) Retirement Operations		
43 Imaging Conversion Project $1,010,000 of non-recurring funding to complete this project will be provided from receipts.		
(1412) Contribution to Firemen's Pension Fund		
44 **Increase Retirement Benefits** Increases monthly benefit from $110.00 to $135.00.	$4,070,810 **R**	$4,070,810 **R**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)		GENERAL FUND	
Treasurer (Continued)		FY 95-96	FY 96-97
(1413) Contribution to Rescue Squad Worker's Fund			
45 **Increase Retirement Benefits** Increases monthly benefit from $110.00 to $135.00.		$377,190 **R**	$377,190 **R**
Total Expansion		**$4,448,000 R**	**$4,448,000 R**
Total Position Changes			
Total Agency Budget		**$17,941,068**	**$17,949,147**

(Pages 1C-4C)

HUMAN RESOURCES			
Revised Continuation Budget		$2,020,173,472	$2,151,348,733
(1.00) Division of Child Development			
1 **TEACH Program** Provides funding for the continuation of the Teacher Education and Compensation Helps (TEACH) Program which provides education and compensation initiatives for child care teachers.		$850,000 **NR**	$0 **NR**
2 **Uplift, Inc.** Grant-in-aid to a Greensboro-based organization which provides technical assistance to counties on how to better use existing resources for families and children.		$100,000 **NR**	$100,000 **NR**
3 **Day Care Provider Records Checks** Implements the mandatory criminal background checks on all current and potential day care providers.		$290,124 **R**	$310,243 **R**
		4.00	4.00
(2.00) Division of Mental Health			
4 **Coalition 2001**		$9,000,000 **R**	$9,000,000 **R**
Provides for the following allocations:			
A. Mental Health	$3,000,000	2.00	2.00
*HUD Homes 367,000			
*Deaf Mentally Ill 198,000 (includes 2 Positions at Dix Hospital)			
*Crisis-Adult 1,662,222			
*Crisis-Child 772,778			
B. Dev. Disabilities	$3,000,000		
*Supported Living 1,101,334			
*DD Day Ser. 983,333			
*Respite/Assist. Tech 415,333 (includes $75,000 for Assistive Technology for Voc. Rehabilitation)			
*Day Slots 500,000			
C. Substance Abuse	$3,000,000		
*Perinatal 1,083,334			
*Residential 1,000,000			
*Child Ser. 500,000			
*Crisis Stabilization 416,666			

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

	Expansion Budget (Continued)	GENERAL FUND FY 95-96		GENERAL FUND FY 96-97	
	Human Resources (Continued)				
5	**Alzheimer's Unit in Wilson, NC** Creates a new 40-bed Alzheimer's Unit to be located in the NC. Special Care Unit at Wilson	$0 $400,000 	R NR 	$1,182,213 $0 88.00	R NR
6	**Willie M. Program** Provides additional funds for mandated services in the Willie M. Program.	$2,000,000	R	$4,000,000	R
7	**Thomas S. Program** Provides additional funds to meet court-mandated services for Thomas S. clients.	$2,000,000	R	$4,000,000	R
	(3.00) Division of Social Services				
8	**Family Preservation Program** Provides funding for the Family Preservation Services Program established and administered pursuant to Part 4A of Article 3 of Chapter 143B of the General Statutes.	$200,000	R	$200,000	R
9	**Caring Program for Children, Inc.** Grant-in-aid to support the purchase of health insurance for low income children who do not qualify for Medicaid.	$550,000	R	$550,000	R
10	**Metrolina Food Bank** Grant-in-aid to the Metrolina Food Bank.	$300,000	NR	$0	NR
11	**Foster Care Records Check** Implements the mandatory criminal background checks on all current and potential foster parents.	$192,067	R	$103,199	R
	(4.00) Division of Youth Services				
12	**Staffing for Permanent Leonard Secure Unit** Provides staffing to operate the renovated Richmond Correctional Center as a permanent boundover unit for juveniles awaiting trial in Superior Court.	$0 	R 	$500,000 20.50	R
13	**Additional Staffing for State Detention Centers** Provides funds for a third staff member on the second and third shifts at state-operated detention centers to enhance safety and productivity.	$686,630 24.00	R 	$677,705 24.00	R
14	**Leonard Secure Unit - Pitt Detention Center** Provides additional funds needed for full staffing of the temporary secure unit for juveniles bound over to Superior Court (located in Pitt County).	$304,741 10.00	R 	$304,741 10.00	R
15	**Staffing for New Detention Center Beds** Provides funds to staff and operate 12 additional secure beds at the Gaston Detention center.	$0 	R 	$128,095 12.00	R
	(5.00) Division of Services for the Blind				

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Human Resources (Continued)	FY 95-96	FY 96-97
16 **Braille Literacy**	$175,000 **R**	$175,000 **R**
Provides up to four certified teachers of the visually impaired to assist local school administrative units, primarily in rural areas, in providing services for visually impaired students.	4.00	4.00
17 **Supported Employment**	$250,000 **R**	$250,000 **R**
Provides funding to maintain extended service provider positions at local, non-profit supported employment programs.		
(6.00) Division of Services for the Deaf		
18 **Reserve For Deaf Education Improvements**	$500,000 **R**	$1,500,000 **R**
Provides a reserve for curriculum enhancements, expansion of extended school year program, and establishment of programs for behaviorally and emotionally handicapped youth (BEH) and post-secondary enrichment at the residential schools for the deaf.		
(7.00) Division on Aging		
19 **Alzheimer's Association of NC**	$100,000 **NR**	$0 **NR**
Grant-in-aid to support four regional Alzheimer's Chapters.		
20 **N. C. Senior Games Program**	$15,000 **R**	$15,000 **R**
Provides grant-in-aid to North Carolina Senior Games, Inc. for the North Carolina Senior Games Program.		
21 **In-Home Aide Funds**	$500,000 **R**	$500,000 **R**
Provides additional funding for in-home aide and caregiver support services.		
(8.00) Division of Voc Rehabilitation		
22 **Independent Living Rehab Program**	$1,135,000 **R**	$1,135,000 **R**
Establishes one new program office in Stanly County in 1995-96 and provides funding for client needs at existing program offices as well as administrative support and automation. Any funds not expended or encumbered in 1995-96 for these purposes may be used for one-time service purchases for clients waiting for services in existing offices.	8.00	8.00
(9.00) Office of the Secretary		
23 **Grants-In-Aid to Human Services Programs**	$2,000,000 **NR**	$0 **NR**
Reserve for grants-in-aid to public and nonprofit human services organizations for programs that provide services, including vocational rehabilitation services, to older adults, adults with disabilities, at-risk children and youth, and families.		

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Human Resources (Continued)	FY 95-96	FY 96-97
24 **Primary Care Centers in Rural Communities**	$600,000 **R**	$600,000 **R**
Provides additional funding for operational subsidies for health centers in medically underserved areas.		
25 **In Locum Tenens Program**	$100,000 **R**	$100,000 **R**
Establishes a program to enable relief for primary care providers in medically underserved areas.		
26 **Health Planning Commission**	($300,000) **R**	($300,000) **R**
Reduce the Commission's budget in order to redirect funds to the Caring Program for Children, Inc.		
Total Expansion	**$18,198,562 R**	**$24,931,196 R**
	$3,750,000 NR	**$100,000 NR**
Total Position Changes	52.00	172.50
Total Agency Budget	**$2,042,122,034**	**$2,176,379,929**

(Pages 1D-2D)

CORRECTION

Revised Continuation Budget	$763,430,258	$791,407,879
(0000) All Divisions		
1 **Women at Risk Program**	$115,000 **NR**	
Funding for a community-based non-residential treatment program for female offenders on supervised probation. Funds will allow continuation of program in Buncombe County and allow limited expansion of program to Gastonia and Charlotte.		
2 **Reserve to Operate Facilities**		$21,354,577 **R**
Reserve to operate 1,384 new prisons beds and partial funding to operate 664 beds. Beds are needed due to revisions to the Structured Sentencing Act, which will increase criminal penalties, and to requiring offenders sentenced under the Fair Sentencing Act to serve a longer portion of their sentence. This operating reserve will be adjusted in the 1996 Session.		073.00
3 **Title VII Compliance**	$504,290 **R**	$700,000 **R**
Funds to provide positions for Title VII monitoring and compliance.	$145,710 **NR**	
	17.00	17.00
4 **Staff for New Work Crews**	$855,760 **R**	$1,057,930 **R**
Funds for supervision of 420 inmates on new minimum custody crews to work on local projects.	$654,421 **NR**	
	33.00	33.00
5 **Match Federal Grants**		$325,000 **R**
Funds to match federal grants.	$325,000 **NR**	

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Correction (Continued)	FY 95-96	FY 96-97
6 **Bunk Inmates in Shifts Pilot Program**		
Reserve to establish a pilot program to bunk inmates in shifts. This pilot program would provide 50 additional beds.	$250,000 **NR** 18.00	
7 **Reimburse Counties for Medical Costs**	$0 **R**	$0 **R**
Reimburse counties for extraordinary medical costs for inmates awaiting transfer to the Department of Correction. Funds needed for this reimbursement are contained in the continuation budget for medical services.		
8 **Private Beds**		$9,158,624 **R**
Reserve to contract for 422 beds from private providers. Funds would not be needed until FY 1996-97 when the prison beds are available.		
9 **DART Aftercare Pilot Program**	$125,000 **NR**	
Funding to develop up to three DART Aftercare Pilot Programs for DWI offenders and for offenders released from prison who have participated in DART programs.		
10 **Harriet's House**	$200,000 **R**	$200,000 **R**
Funds to operate Harriet's House, a transitional program for female parolees.		
11 **Substance Abuse Program**	$100,000 **R**	$100,000 **R**
Funds to operate a community-based substance abuse program for offenders on probation and parole.		
12 **Substance Abuse Evaluation and Monitoring**	$50,000 **R**	$50,000 **R**
Funds for an external evaluation of substance abuse programs operated by and for the Department of Correction ($25,000NR) and for a position to: work with the consultant; assist in implementing consultant recommendations; develop and maintain a database to track substance abuse offenders; and, monitor recidivism.	$33,000 **NR** 1.00	1.00
13 **Funds for Expanded Capacity and Unit Deficiencies**	$5,905,150 **R**	$12,289,319 **R**
Funding for staff to operate at expanded capacity of 130%. This is a combination of 1) previously requested positions for non Small v. Martin units, 2) staffing needed at Small v. Martin units, and 3) funds to reduce staffing deficiencies at large institutions and at new units.	$1,185,325 **NR** 422.00	$561,971 **NR** 422.00

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued) **Correction** (Continued)	GENERAL FUND FY 95-96	 FY 96-97
Total Expansion	**$7,615,200 R** **$2,833,456 NR**	**$45,235,450 R** **$561,971 NR**
Total Position Changes	491.00	546.00
Total Agency Budget	**$773,878,914**	**$837,205,300**

(Pages 3D-4D)

CRIME CONTROL AND PUBLIC SAFETY

Revised Continuation Budget	$31,357,768		$31,104,678	
(0000) All Divisions				
14 **National Guard Educational Assistance** Provides funds to increase the amount and number of educational assistance benefits for members of the National Guard.	$300,000	**NR**		
15 **National Guard Pension Fund** Provide funds to meet National Guard Pension Fund requirements.	$94,196	**R**	$94,196	**R**
16 **IFLOWS Technician** Provide funds for a technician to maintain the Integrated Flood Observing and Warning System Program.	$45,846 $7,432 1.00	**R** **NR**	$45,176 1.00	**R**
17 **National Guard Maintenance Funds** Funds for repairs and maintenance of National Guard armories.	$300,000	**NR**		
18 **Civil Air Patrol** Funds for repayment of construction loan and for landscaping of Patrol headquarters building.	$22,500	**NR**		
19 **Additional Highway Patrol Troopers** Funds for an additional 25 troopers which would be funded from the Highway Fund at a cost of $1,662,525 in FY 1995-96 and $1,035,175 in FY 1996-97.	$0	**R**	$0	**R**
20 **Air National Guard Complex** Funding for maintenance employees, utility costs for new facilities, and other operating costs, as validated by the Federal Civil Engineering Manpower Study. These funds are used to match the $181,500 the Air National Guard Complex will receive from the Federal government.	$60,500 3.00	**R**	$60,500 3.00	**R**
21 **Project Blue Sky** Funds to the Office of Emergency Management for a project aimed at reducing the impact of natural disasters by building better homes and refitting existing homes. State funds will be matched from federal, local and private sources at the rate of $6.37 for every $1 dollar of State funds.	$125,000	**NR**	$125,000	**NR**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Crime Control and Public Safety (Continued)	FY 95-96	FY 96-97
Total Expansion	**$200,542 R**	**$199,872 R**
	$754,932 NR	**$125,000 NR**
Total Position Changes	4.00	4.00
Total Agency Budget	**$32,313,242**	**$31,429,550**

(Pages 5D-6D)

JUDICIAL

Revised Continuation Budget	$276,398,840		$279,352,847	
(0000) All Divisions				
22 **Recidivism Study**	$50,000	**NR**		
Authorizes Sentencing Commission and Judicial Department to update previous study of recidivism of offenders sentenced to prison and to community corrections programs.				
23 **Transportation for Juvenile Offenders**	$43,768	**R**	$43,768	**R**
Complete statewide funding of temporary positions and support for transportation of juvenile offenders.	$2,400	**NR**		
24 **Divide District 11 Superior Court District**	$28,194	**R**	$28,806	**R**
Divide Superior Court District 11 (Harnett, Lee, Johnston) into Districts 11A and 11B.	$7,592	**NR**		
	1.00		1.00	
25 **Transfer of Indigent Defense Funds**	$0	**R**	$0	**R**
Transfer up to $188,994 in 1995-96 and up to $186,171 in 1996-97 from the Indigent Persons' Attorney Fee Fund for three Assistant Public Defender positions.	3.00		3.00	
26 **Arbitration Program**	$202,929	**R**	$202,929	**R**
Expand superior court arbitration program to six additional superior court districts. Program will be operational in 21 of 45 districts.	$23,832	**NR**		
	3.50		3.50	
27 **Custody Mediation Program**	$280,000	**R**	$280,000	**R**
Expand custody mediation program to six additonal district court districts. Program will be operational in 14 of 39 districts.				
28 **Dispute Settlement Centers**	$363,500	**R**	$363,500	**R**
Expands funding for 15 dispute settlement centers currently receiving state funds and provides new funding for five centers-Sandhills Mediation Center, Blue Ridge Dispute Settlement Center, Dispute Settlement Center of Moore County, Mediation Services of Rockingham County, and Duplin Dispute Settlement Center.				
29 **Reserve for Equipment**	$100,000	**R**	$100,000	**R**
Reserve for office and data processing equipment replacement	$2,000,000	**NR**		

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Judical (Continued)	FY 95-96	FY 96-97
30 **Mediated Settlement Conferences**	$60,017 **NR**	$0 **NR**
Establishes mediated settlement program statewide for use in mediating civil cases. Funding in 1995-96 is effective October 1, 1995. Program will be receipt-funded in 1996-97.	1.50	1.50
31 **Mecklenburg Drug Court Program**	$48,085 **R**	$48,085 **R**
Provide grant funding to continue Felony Drug Court in Mecklenburg County in order to expedite felony drug cases. Funding provides for 2 state positions and for the following contractual positions: judges, assistant district attorneys, assistant public defenders, and court reporters. Funding will be matched by 25 % local funds.	$298,062 **NR** 2.00	$298,062 **NR** 2.00
32 **Court Personnel Systemwide**	$1,410,775 **R**	$1,411,612 **R**
Provide funding for positions needed due to increasing court workload. The positions are: 8 Assistant District Attorneys; 3 Victim Witness Assistants; 25 Deputy Clerks; 2 Magistrates; 1 Staff Attorney for the Court of Appeals; 2 Legal Assistants to the Special Counsel to the Mentally Ill; and 1 Public Information Officer for the Administrative Office of the Courts.	$67,639 **NR** 42.00	42.00
33 **Divide District 9; judges in districts 9 and 29**	$121,758 **R**	$210,348 **R**
Funds to implement dividing District Court District 9 into 9 and 9B for electoral purposes and to add a judge that serves both district 9 and 9B. Funds also authorized to add district court judge in district 29. Positions effective January 1, 1996.	$16,312 **NR** 2.00	2.00
34 **Grant Matching Funds**		$175,000 R
Funds for use in matching federal, state, and private grants.	$175,000 **NR**	
35 **Special Superior Court Judges**	$208,258 R	$256,458 R
Add two special superior court judges whose statewide assignments will include lawsuits involving complex business and corporate cases. Positions are effective October 1, 1995.	$19,014 **NR** 2.00	2.00

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Judical (Continued)	FY 95-96	FY 96-97
36 **Criminal Case Management Pilot Program**	$47,640 R	$50,000 R
Funding to establish a criminal case management pilot program in two judicial districts.	$2,360 NR	
	2.00	2.00
Total Expansion	**$2,854,907 R**	**$3,170,506 R**
	$2,722,228 NR	**$298,062 NR**
Total Position Changes	59.00	59.00
Total Agency Budget	**$281,975,975**	**$282,821,415**

(Pages 7D-8D)

JUSTICE

Revised Continuation Budget	$56,121,586	$56,691,952
(0000) All Divisions		
37 **Reserve for Criminal Records Checks**	$297,473 R	$297,473 R
Funds for day care provider, foster parent, nursing-rest home employee, and school employee fingerprint records checks.	9.00	9.00
38 **Funds for Automated Services**	$0 R	$104,706 R
Funds to upgrade automated services for the department.	$311,989 NR	$295,294 NR
		3.00
39 **Legal Services - Citizens' Rights Division**	$186,003 R	$186,003 R
Funding to continue the Child Victim Assistance Project which is a federal grant pilot program ending June 30, 1995. The program currently has 100 volunteers statewide.	$13,581 NR	
	6.00	6.00
40 **SBI - Child Abuse Investigation Trainer**	$38,336 R	$38,336 R
Funds to continue federal grant position handling Child Abuse Investigation Training which will expire June 30, 1995.	$5,000 NR	
	1.00	1.00
41 **Legal Services - Administration Division**	$72,193 R	$72,193 R
Funds for an Attorney III position to provide representation in Tort Claims and Worker's Compensation areas.	$8,810 NR	
	1.00	1.00
42 **Legal Services - Education Division**	$0 R	$0 R
Authorizes the Board of Governor's to reimburse the Department of Justice for two Attorney III positions who provide legal representation to the University of North Carolina System.		
43 **NC LEAF Funds**	$50,000 NR	
Funds for NC Legal Education Assistance Foundation for loan repayment assistance program for public service attorneys.		

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Justice (Continued)	FY 95-96	FY 96-97
44 **Concealed Weapons**	$0 **R**	$0 **R**
May use up to $379,287 from receipts for fingerprint records checks for concealed weapons and may use up to $100,000 from receipts to develop and implement licensing for concealed weapons.		
Total Expansion	**$594,005 R**	**$698,711 R**
	$389,380 NR	**$295,294 NR**
Total Position Changes	17.00	20.00
Total Agency Budget	**$57,104,971**	**$57,685,957**

(Page 1E)

AGRICULTURE		
Revised Continuation Budget	$45,496,479	$45,745,793
Agricultural Finance Authority		
1 **Reserve for Farm and Agribusiness Loans**	$200,000 **NR**	
Funding for a Reserve for Farm and Agribusiness Loans to enhance the Authority's ability to meet loan demands of farmers.		
Total Expansion	**$200,000 NR**	
Total Position Changes		
Total Agency Budget	**$45,696,479**	**$45,745,793**

(Page 2E)

LABOR		
Revised Continuation Budget	$15,054,312	$14,902,477
Information Office		
2 **1-800-LABOR-NC**	$36,000 **R**	$39,348 **R**
To provide additional operating support for the Department's 1-800-LABOR-NC telephone number.		
Total Expansion	**$36,000 R**	**$39,348 R**
Total Position Changes		
Total Agency Budget	**$15,090,312**	**$14,941,825**

(Pages 3E-6E)

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES		
Revised Continuation Budget	$227,019,388	$226,973,578
(1.00) Executive Offices		
3 **Restore Health Special Assistant**	$54,000 **R**	$54,000 **R**
Restore Health Special Assistant position.	1.00	1.00
(2.00) Forest Resources		
4 **Restore Field Operations Positions**	$114,403 **R**	$114,403 **R**
Fund 4 positions.	4.00	4.00
(2) Forest Fire Equipment Operators		
Forestry Technician I		
Assistant County Ranger - Alamance		

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Environment, Health and Natural Resources (Continued)	FY 95-96	FY 96-97
5 **Forestry Best Management Practices**	$100,000 **NR**	
Funds for temporary forestry positions.		
6 **Restore Forestation Position**	$25,371 **R**	$25,371 **R**
Fund 1 clerical position	1.00	1.00
(2.00) Marine Fisheries		
7 **Blue Ribbon Advisory Council on Oysters**	($60,000)**R**	($100,000)**R**
Reduce funding in the first year and eliminate funding in the second year since the Council terminates on October 1, 1995.		
8 **Administration**	$155,000 **R**	$155,000 **R**
Fund Deputy Director position and provide funds for expenses	$5,000 **NR**	
of Marine Fisheries Commission	1.00	1.00
advisory committees.		
9 **Moratorium**	$35,000 **R**	$35,000 **R**
Funds for the Moratorium Steering Committee and the Moratorium Appeals Panel.		
10 **Law Enforcement**	$763,892 **R**	$763,892 **R**
Funds for new law enforcement positions and their support.	$500,000 **NR**	
Increase support funding for existing	7.00	7.00
law enforcement activities.		
(2.00) Soil and Water Conservation		
11 **Animal Waste Compliance**	$427,510 **R**	$427,510 **R**
Funds for State assistance to agricultural operations to meet December 1997 requirements for animal waste management.	8.00	8.00
12 **Ag Cost Share/Admin Position/ Supervisor Travel**	$85,137 **R**	$85,137 **R**
Additional funds in Agricultural	$500,000 **NR**	
Cost Share Program for animal		
waste activities. Funds for new	1.00	1.00
administrative officer position. Additional funds for soil and water conservation district supervisor travel and per diem.		
(3.00) Coastal Management		
13 **Coastal Water Quality**	$514,980 **R**	$514,980 **R**
Funds for technical support and aid to local governments for	$19,000 **NR**	
land use planning activities	4.00	4.00
and additional staff and support for the N.C. Coastal Reserve Program.		
Requirements	$580,980	$556,480
Receipts	47,000	$41,500
Appropriation	$533,980	$514,980

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Environment, Health, and Natural Resources (Continued)	FY 95-96	FY 96-97
(3.00) Environmental Management		
14 **Coastal Water Quality**	$169,985 **R**	$169,985 **R**
Fund 3 positions to identify and implement nonpoint source management strategies to address problems identified through basinwide planning in the coastal region of the State.	3.00	3.00
15 **Animal Waste System Compliance**	$424,792 **R**	$424,792 **R**
Funds for additional staff and support to perform laboratory analyses, and enforcement and compliance activities related to animal waste certification requirements.	$34,500 **NR** 8.00	8.00
16 **Aboveground Storage Tanks**	$300,000 **NR**	
Funds for inspection and monitoring of large oil terminal and bulk handling facilities.		
(3.00) Water Resources		
17 **Aquatic Weed Assessment**	$30,000 **NR**	
Funds for study of the environmental and economic impacts of aquatic weed infestation and potential remedies for reducing or eliminating these impacts to be performed by the N.C. Aquatic Weed Council.		
(4.00) Adult Health Promotion		
18 **Heart Disease/Stroke Prevention Task Force**	$100,000 **R**	$100,000 **R**
Funds for staff and operating support for the Heart Disease and Stroke Prevention Task Force.	2.00	2.00
19 **State Games of North Carolina**	$150,000 **NR**	
Funds for the Governor's Council on Physical Fitness to support the State Games.		
20 **Arthritis Program**	$15,000 **NR**	
Continue grant-in-aid for private local project providing services to arthritis patients in Mecklenburg County.		
21 **AIDS Care Branch**	$100,000 **NR**	
Fund purchase of pharmaceuticals for treating opportunistic infections associated with AIDS.		
(4.00) Environmental Health		
22 **Milk Sanitation Inspection Program**	$139,680 **R**	$139,680 **R**
Funds for contracted laboratory analyses of raw milk samples for the state's Milk Sanitation Inspection Program.		

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Environment, Health, and Natural Resources (Continued)	FY 95-96	FY 96-97
23 **Food Sanitation** Funds to improve the standards and consistency of food sanitation rules and to provide continuing education and training for environmental health specialists.	$100,000 **R**	$100,000 **R**
(4.00) Maternal and Child Health		
24 **UNC Craniofacial Center** Funds for grant to UNC Board of Governors for the Craniofacial Center at the School of Dentistry at UNC-Chapel Hill to provide diagnostic and treatment services for children with craniofacial anomalies.	$150,000 **NR**	
25 **Cochlear Implants** Funds for grant to UNC Board of Governors for the Carolina Communicative Disorders Program at the School of Medicine at UNC-Chapel Hill to provide cochlear implants and other communication devices and services for hearing impaired children.	$100,000 **NR**	
(4.00) State Center for Health & Envir. Statistics		
26 **Central Cancer Registry** Funds for the collection, analyses and dissemination of information on the treatment and follow-up of diagnosed cancer.	$250,000 **R** 4.00	$250,000 **R** 4.00
(6.00) Reserves amd Special Funds		
27 **Richmond County - LLRW** Grant-in-aid to Richmond County for expenses incurred as part of their participation in the siting of the Low Level Radioactive Waste facility.	$350,000 **NR**	
28 **Healthy Start Foundation** Funds for the Governor's Commission on Reduction of Infant Mortality to provide statewide planning, promotion and coordination for First Step Campaign and support other programs and activities of the Commission.	$200,000 **NR**	
29 **Partnership for the Sounds** Grant-in-aid for the development of a business incubator support system and training centers to aid the expansion and creation of locally-owned businesses and education programs in the Albemarle-Pamlico Sounds region.	$500,000 **NR**	

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND FY 95-96		GENERAL FUND FY 96-97	
Environment, Health, and Natural Resources (Continued)				
30 **Water Conservation and Infrastructure District** Funds for the Multi-County Water Conservation and Infrastructure District.	$500,000	**NR**	$500,000	**NR**
(7.00) Wildlife Resources Commission				
31 **Beaver Pilot Program** Funds beaver control pilot project and expands project from 18 to 27 counties.	$372,690	**NR**		
Total Expansion	**$3,299,750**	**R**	**$3,259,750**	**R**
	$3,926,190	**NR**	**$500,000**	**NR**
Total Position Changes	44.00		44.00	
Total Agency Budget	**$234,245,328**		**$230,733,328**	

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COMMERCE

Revised Continuation Budget	$34,228,031		$34,105,893	
Business and Industry				
32 **Industrial Recruitment Competitive Fund** Continue funding for the Industrial Recruitment Competitive Fund.	$2,000,000	**NR**		
Grants-in-Aid				
33 **Center for Community Self Help** Provide funds for community self help initiatives.	$1,000,000	**NR**		
34 **North Carolina World Trade Center** Grant-in-Aid to the North Carolina World Trade Center for the Center's economic development and educational programs and activities.	$200,000	**NR**		
35 **Technological Development Authority** Grant-in-Aid to the Technological Development Authority to establish additional incubators and to develop a statewide entrepreneurial infrastructure.	$1,000,000	**NR**		
36 **Economic Development Project** Grant-in-aid to Columbus County for industrial and economic development.	$750,000	**NR**		
Industrial Commission				
37 **Industrial Commission Automation** Begin second phase installation of the Commission's electronic document storage and retrieval system.	$500,000	**NR**		
38 **Fraud Investigations** Fund operating support to investigate fraudulent workers' compensation claims.	$100,000 3.00	**R**	$100,000 3.00	**R**
39 **Additional Staff Support** Fund operating support to add 4 legal secretaries and 2 claims examiners.	$167,041 6.00	**R**	$167,041 6.00	**R**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Commerce (Continued)	FY 95-96	FY 96-97
International Trade		
40 **International Office Reserve** Reserve to cover underbudgeted costs in foreign Commerce offices due to devaluation of the dollar and foreign country inflation.	$100,000 **NR**	
N.C. Alliance for Competitive Technologies		
41 **Match federal funds** Fund second installment to match $1.5 million federal grant for Industrial Extension Service satellite services.	$100,000 **NR**	
National Institute of Statistical Sciences		
42 **Restore funds** Restore funds appropriated in 1990 to the National Institute of Statistical Sciences (NISS). The 1990-91 appropriation reverted to the General Fund in 1991 to help balance the State's operating budget.	$1,000,000 **NR**	$1,250,000 **NR**
Total Expansion	**$267,041 R**	**$267,041 R**
	$6,650,000 NR	**$1,250,000 NR**
Total Position Changes	9.00	9.00
Total Agency Budget	**$41,145,072**	**$35,622,934**

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MCNC		
Revised Continuation Budget	$19,765,000	$19,765,000
MCNC		
43 **Additional General Fund Reduction** Reduce amount of General Fund support appropriated for MCNC.	($1,000,000) **NR**	
Total Expansion	**($1,000,000) NR**	
Total Position Changes		
Total Agency Budget	**$18,765,000**	**$19,765,000**

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RURAL ECONOMIC DEVELOPMENT CENTER		
Revised Continuation Budget	$3,170,000	$3,170,000
Rural Economic Development Center		
44 **Reserves** Economic and Community Development Program Reserve.	$3,800,000 **NR**	
Total Expansion	**$3,800,000 NR**	
Total Position Changes		
Total Agency Budget	**$6,970,000**	**$3,170,000**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued) (Pages 1F-9F)	HIGHWAY FUND FY 95-96	HIGHWAY FUND FY 96-97
DEPARTMENT OF TRANSPORTATION		
Transportation Administration		
1 **Increase SIPS Charges** Increase SIPS charges for the driver license and vehicle registration computer systems. The driver license system became operational in November 94 and the vehicle registration system is expected to begin operating March 96.	$4,339,537 **R**	$6,446,463 **R**
2 **Computer Reserve** Creates a reserve fund from the Highway Fund to replace personal computers within the department. Two-thirds of the reserve would be budgeted for data processing equipment and one-third for the accompanying software. The fund would permit the replacement of 300 computers the first year and 100 computers the second year. DOT utilizes over 3000 computers department-wide.	$1,500,000 **NR**	$500,000 **NR**
Total Expansion	**$4,339,537 R**	**$6,446,463 R**
	$1,500,000 NR	**$500,000 NR**
Total Position Changes		
Transportation Operations		
3 **Operations Support for Safety Section** Provides additional operating expenses for the Safety and Emergency Planning Section. The 1992 General Assembly authorized a safety unit from available funds. Positions and operating expenses were transferred from highway maintenance. All DOT safety and emergency planning activities are now consolidated into this one unit, the Safety and Emergency Planning Section, with 30 positions. Highway Fund continuation appropriations for FY 96 are $1,672,331 and $1,673,568 for FY97.	$102,849 **R**	$102,849 **R**
Total Expansion	**$102,849 R**	**$102,849 R**
Total Position Changes		
Construction and Maintenance		
4 **Increase Small Urban Program** Increases the $6 million statewide fund for rural and small urban highway improvements by $3 million and extends funding eligibility to industrial access roads and spot safety projects.	$3,000,000 **NR**	$3,000,000 **NR**

H.B. 230 (PCCS–5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued) **Department of Transportation** (Continued)	HIGHWAY FUND FY 95–96	 FY 96–97
5 **Increase Funding for Maintenance** Increases funding for the maintenance of the primary and urban highway systems and for the contract resurfacing program. Primary system maintenance will be increased by $2,000,000, urban system maintenance by $2,000,000, and the contract resurfacing program by $2,703,108 in FY96. In FY97, the primary system maintenance will be increased by $2,346,171, urban system maintenance by $5,000,000, and the contract resurfacing program by $5,000,000.	$6,703,108 **NR**	$12,346,171 **NR**
6 **Continue Public Transportation Grants** Provides permanent funding of $5.8 million for grants to regional public transportation systems for operating assistance. The 1994 Session appropriated $5.8 million from nonrecurring funds.	$5,800,000 **R**	$5,800,000 **R**
7 **Continue Signal Optimization Program** Replaces Petroleum Overcharge funds which are no longer available for retiming traffic signals. There are 5,000 traffic signals on the State Highway System which should be retimed every three years to reflect changing traffic volumes and patterns.	$420,000 **R**	$420,000 **R**
8 **Asphalt Plant Clean-up** Adds $1 million to the continuing $1 million appropriation for the assessments of hazardous waste contamination on property where an asphalt plant is or was previously located. The chemical contamination is attributed to DOT employees who disposed of chemicals used to test asphalt by dumping them on the ground. Of the 72 sites identified as contaminated, 50 site assessments remain to be completed. The average cost of a site assessment is $110,000.	$1,000,000 **R**	$1,000,000 **R**
Total Expansion	**$7,220,000 R** **$9,703,108 NR**	**$7,220,000 R** **$15,346,171 NR**
Total Position Changes		

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	HIGHWAY FUND	
Department of Transportation (Continued)	FY 95-96	FY 96-97
Division of Motor Vehicles		
9 **Digitized Imagery Equipment**	$2,700,000 **R**	$2,500,000 **R**
Provides for a digitized imagery system to produce drivers licenses. Digitized imagery is a method for taking photos with a video camera and storing the image on the computer for recall as needed. In FY96, the Division of Motor Vehicles is appropriated $653,000 and the Management Information Systems Division of the Department of Transportation is appropriated $2,047,000. In FY97, DMV is appropriated $1,310,000 and the MIS Division is appropriated $1,190,000. Funds requested, are based on a March 96 implementation date.		
10 **DMV Enforcement Equipment and Training**	$250,000 **R**	$250,000 **R**
Provides $450,000 non-recurring funds in FY96 for the purchase of 50 sets of portable scales. Recurring funds of $250,000 for FY96 and FY97 are provided for the DMV Enforcement Training Center.	$450,000 **NR**	
11 **Increase Branch Agent Compensation**	$1,950,000 **R**	$1,950,000 **R**
Increases branch agent compensation per transaction by $0.20. The current compensation is $1.00 per transaction.		
12 **Administrative Costs of Seasonal CDL Program**	$80,000 **NR**	
Provides $80,000 to the Division of Motor Vehicles for computer-related costs of implementing a seasonal commercial driver license program as authorized in Senate Bill 503. Should this bill not be enacted, the funds will revert to the Highway Fund.		
13 **DMV Field Office Equipment**	$56,053 **NR**	
Provides one-time funding for glare screens and wrist rests for 380 driver license examiners and 50 central office personnel. Also included are 10 heavy-duty copiers, 35 office desk chairs, and 7 office traffic control systems.		
14 **Registration Document Imaging**	$607,192 **NR**	
Provides additional funding to complete the Vehicle Registration Section computer system. The initial cost estimate for developing the document imaging and user training was not sufficient. The funds will also		

H.B. 230 (PCCS–5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	HIGHWAY FUND	
Department of Transportation (Continued)	FY 95–96	FY 96–97
go toward consultant fees to review the use of the database and to conduct a test of the system before implementation.		
15 **DMV Position Reclassification Funds** Provides funding for salary revisions approved by the Office of State Personnel for Driver License Examiners and Title Examiners.	$209,781 **R**	$209,781 **R**
16 **Funding for Driver License Facility in Cary** Provides funding for a driver license office in Cary, NC. Expenditures consist of 4 examiner positions and support costs and office lease and corresponding utility costs.	$220,000 **R** 4.00	$220,000 **R** 4.00
17 **AG Position in DMV** Provides continuing funds for an Attorney General's position assigned to DMV that was authorized in the 1994 Session but not funded. Including this position, there are four attorneys assigned to DMV from the AG's Office and two clerical support positions.	$42,609 **R**	$42,609 **R**
18 **Mobile Driver Licensing Units** Provides funds for purchase and operation of two mobile licensing units that will provide on-site testing and allow the closure of 10 part-time driver license offices. Considerable renovations must be made to these offices to meet the requirements of the Americans with Disabilities Act. DMV estimates the closure of the part-time offices will result in cost savings of at least $25,000 per year. The purchase of the two vehicles is budgeted at $350,000 and annual operations are budgeted at $22,000.	$22,000 **R** $350,000 **NR**	$22,000 **R**
19 **Increase Funds for Plates and Stickers** Increases funding in the Vehicle Registration Section for additional registration plates and stickers. The increased volume is due to strong vehicle sales as the economy rebounded from the 1991 recession. The continuation budget for Vehicle Registration has $2,650,086 each year for license plates and stickers.	$538,571 **R**	$560,114 **R**
Total Expansion	**$5,932,961 R** **$1,543,245 NR**	**$5,754,504 R**
Total Position Changes	4.00	4.00

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	HIGHWAY FUND	
Department of Transportation (Continued)	FY 95-96	FY 96-97
Reserves		
20 **Capital Projects**		
Funds the following capital projects in DOT listed in priority order as submitted by the Secretary's Office:	$8,897,590 **NR**	
1. Roof Replacements Statewide	$432,900	
2. HVAC Replacements Statewide-DMV	123,800	
3. Safety Upgrades Statewide - DMV	123,800	
4. Fire Alarm Renovations Materials and Test Lab, Raleigh, NC	72,800	
5. Parking Lot Repairs Statewide - DMV	133,700	
6. Roadside Environmental Warehouse, Sylva, NC	463,000	
7. District Engineer's Office Marion, NC	590,000	
8. DMV/SHP Supplemental Funding, Durham, NC	69,890	
9. DMV/SHP Supplemental Funding, Salisbury, NC	110,000	
10. Equipment Shop Washington, NC	916,000	
11. Equipment Shop Wentworth, NC	911,000	
12. Equipment Shop Kinston, NC	916,000	
13. Equipment Shop Meadows, NC	913,000	
14. Materials and Test Lab Asheville, NC	389,000	
15. DMV/SHP Addition and Renovation Morganton, NC	272,700	
16. Exterior Renovation, Transportation Building, Raleigh, NC	169,900	
17. Building and Land Purchase Williamston, NC	368,000	
18. Electrical Upgrades Transportation Building, Raleigh, NC	1,922,100	
21 **Fuel Tank Replacement-State Highway Patrol**	$500,000 **NR**	
Provides funds for replacement of fuel tanks at 15 sites @ $32,000 per site and $20,000 for testing equipment.		

H.B. 230 (PCCS–5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued) **Department of Transportation** (Continued)	HIGHWAY FUND FY 95-96	 FY 96-97
22 **Governmental Operations Shall Study DMV** Provides $200,000 to the General Assembly's Joint Legislative Commission on Governmental Operations to study the Division of Motor Vehicles. The Committee may enter into a contract with a private consulting firm to conduct this study.	$200,000 **NR**	
23 **Salary Increase Reserve** Creates a reserve to fund a salary increase for positions supported from the Highway Fund.	$7,914,055 **R**	$7,914,055 **R**
24 **Reserve for PCB Cleanup** Creates a reserve in the Highway Fund to be used by the Division of Solid Waste Management in EHNR to fund a pilot project to identify and select a technology for detoxification and remediation of the PCB Landfill in Warren County. A special provision states it is the intent of the General Assembly that any further appropriations for this purpose shall not be made from the Highway Fund.	$1,000,000 **NR**	
25 **Additional Highway Patrol Troopers** Funds an additional 25 troopers to be stationed statewide.	$1,035,175 **R** $627,350 **NR** 25.00	$1,035,175 **R** 25.00
Total Expansion	**$8,949,230 R** **$11,224,940 NR**	**$8,949,230 R**
Total Position Changes	25.00	25.00

	HIGHWAY TRUST FUND FY 95-96	 FY 96-97
Highway Trust Fund		
26 **Fuel Tax Evasion** Provides funds for the fuel tax evasion project begun in 1994. In FY96, $1,142,374 is requested from the Highway Trust Fund administrative allocation and $434,174 in FY97 for joint fuel tax enforcement initiatives between the Department of Revenue and the Division of Motor Vehicles. Of those amounts, $312,374 is appropriated each year to the Department of Revenue and $830,000 in FY96 and $121,800 in FY97 to the Department of Transportation.	$1,142,374 **NR**	$434,174 **NR**
Total Expansion	**$1,142,374 NR**	**$434,174 NR**
Total Position Changes		

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**
Expansion Budget (Continued)

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Senate and House Conference Report on Salaries and Benefits

	STATEWIDE RESERVES	GENERAL FUND FY 95-96	GENERAL FUND FY 96-97
	Statewide Reserves		
1	**Reserve for Child Support Legislation** Director of the Budget shall allocate these funds to the Division of Motor Vehicles, Administrative Office of the Courts and the Department of Human Resources to implement HB 168.	$170,000 **R** $399,300 **NR**	$170,000 **R**
2	**Reserve for Administrative Rules Process** Director of the Budget shall allocate funds from this reserve to the Office of State Budget, Office of Administrative Hearings and other agencies as necessary to implement revisions to the Administrative Rules process.	$167,000 **R** $40,000 **NR**	$167,000 **R**
3	**Reduce Compensation Increase** Reduce base budget compensation increase to level of need.	($1,000,000) **R**	($1,000,000) **R**
4	**Reserve for Salary Adjustment** Directs the Office of State Personnel to adjust the salaries of law enforcement positions in Marine Fisheries and Wildlife Resources.	$800,000 **R**	$800,000 **R**
5	**Increase Statewide Salaries** Funds a 2% increase in salaries for state employees, university faculty, community college employees and public school employees.	$100,336,570 **R** $3,521,609 **NR**	$100,336,570 **R**
	Total Expansion	**$100,473,570 R** **$3,960,909 NR**	**$100,473,570 R**

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued) GENERAL FUND

(Pages 1H-5H) FY 95-96 FY 96-97

Senate and House Conference Report on Capital Projects

CAPITAL REPORT

Capital Items

DEPARTMENT OF ADMINISTRATION

1	**Veterans Home Reserve** Reserve to supplement cost of Veteran's Home.		$660,000 NR	
2	**Indian Culture Center** Various site improvements			$175,000 NR
3	**Construct New Prison Beds** Funds to construct 2048 beds.		$33,714,000 NR	$40,868,700 NR
	Facility	Number of Beds		
	Female Facility - Triad Area	104		
	Female Boot Camp - Hoffman	60		
	Western Area GPAC			
	Consolidation Unit	624		
	Segregation Unit	40		
	Expand Polk Youth Center	104		
		144		
		100		
	Expand Warren Corr. Institution	168		
	Greene Segregation Unit	40		
	Southern Piedmont Area	624		
	Segregation Unit	40		
	Total	2048		
4	**Electronic Intrusion System** Install Electronic Intrusion System at N.C. Correctional Institution for Women.		$813,700 NR	

Department of Agriculture

5	**Dairy Facility -Cherry Farm**			
	Cherry Farm		$257,200 NR	
	Total Requirements	507,200		
	Less: Timber Sales Receipts	250,000		
6	**Eastern N.C. Agricultural Center** Continued Development		$2,000,000 NR	$4,000,000 NR

Department of Crime Control and Public Safety

7	**Kinston National Guard Armory** Additional state match for bid overrun		$200,000 NR	

Department of Cultural Resources

8	**Reserve - Land Acquisition and Development** Land acquisition and development		$3,000,000 NR	
9	**Elizabeth II State Historic Site**		$5,000,000 NR	
10	**Museum of Art** Facilities Planning			$250,000 NR
11	**N.C. Pottery Center** Planning		$100,000 NR	

H.B. 230 (PCCS–5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued)	GENERAL FUND	
Capital Items (Continued)	FY 95-96	FY 96-97
Department of Human Resources		
12 Gaston Detention Center	$270,000 NR	
Department of Human Resources - Deaf Services		
13 **Eastern N.C. School for Deaf** Provides funding for Phase II of the Student Activity/Recreation complex.	$712,000 NR	$488,000 NR
Department of Human Resources - Youth Services		
14 **Detention Center in Northeastern NC** Provides for the construction of a new 24-bed secure unit to serve the northeast section of the state.		$1,800,000 NR
Department of Justice		
15 **N.C. Justice Academy** Replace Blue Bell Building at N.C. Justice Academy		$1,500,000 NR
16 **NC Justice Academy** Replace maintenance shed	$445,400 NR	
17 **NC Justice Academy** Construct new classroom building		$2,591,200 NR
18 **Western Justice Academy** Design, plan and purchase real property for the Western Justice Academy in Henderson County.	$1,470,000 NR	
EHNR - Forest Resources		
19 **Forestry Headquarters** Reserve for replacement of facilities at county and district headquarters sites.	$750,000 NR	$750,000 NR
EHNR - Parks and Recreation		
20 **State Parks System** Funds for land acquisition, construction, repair and renovation.	$10,000,000 NR	
EHNR-Water Resources		
21 **Water Resources Development Projects**	$2,065,000 NR	
Environment, Health, and Natural Resources		
22 **Water and Sewer Demonstration Projects** New technology projects particularly in the area of environmental disposal and system creation		$5,000,000 NR
23 **North Carolina Aquariums** Planning	$300,000 NR	$1,000,000 NR
24 **Museum of Nat. Science - Exhibits** Planning and Design	$400,000 NR	
25 **Marine Fisheries** Replacement of law enforcement vessel		$300,000 NR
Office of State Budget		
26 **Reserve for cleanup of hazardous waste sites.**	$2,000,000 NR	$2,000,000 NR

H.B. 230 (PCCS-5175) **Expansion/Capital Budget Report**

	Expansion Budget (Continued) **Capital Items** (Continued)	GENERAL FUND FY 95-96	 FY 96-97
	State Budget and Management		
27	**Global TransPark-Design for Kinston Jet Port** Engineering and design for Kinston Regional Jet Port Military Construction Project (State Match)	$285,000 NR	
	UNC System		
28	**Appalachian State University** Convocation Center Construction	$10,000,000 NR	$10,601,100 NR
29	**UNC Wilmington** Construction of Marine Science Building	$6,000,000 NR	$10,000,000 NR
30	**NC School of Arts - Student Activity Center** Fund remaining portion of construction costs for student activity center.		$2,566,000 NR
31	**UNC Charlotte - Construction of Library Addition**	$4,500,000 NR	$16,071,500 NR
32	**North Carolina State University** Centennial Center Funds	$3,500,000 NR	$3,500,000 NR
33	**North Carolina State University** School of Agriculture (includes $500,000 planning funds for Toxicology Building)	$6,000,000 NR	
34	**UNC-Chapel Hill/NC State** Marine Science Facility	$500,000 NR	$7,300,000 NR
35	**UNC-TV Southeastern Tower** Lumberton	$500,000 NR	$1,480,000 NR
36	**UNC** Law School	$5,057,600 NR	$5,000,000 NR
37	**UNC School of Pharmacy** Planning		$1,000,000 NR
38	**East Carolina University** Life Sciences Building	$2,700,000 NR	$4,423,800 NR
39	**A&T University** Classroom Building Planning		$1,000,000 NR
40	**UNC-Asheville** Kellogg Center	$500,000 NR	
41	**UNC-Gen. Administration** Administrator's Academy		$9,871,100 NR
42	**NC State** 4-H Environmental Education Center		$2,545,300 NR
43	**NCCU** Education Building	$6,031,700 NR	$9,600,000 NR
44	**Elizabeth City State** Vaughan Center		$2,190,500 NR
45	**UNC-Chapel Hill** Center for Dramatic Art		$8,394,800 NR
46	**Fayetteville State** Student Center	$3,790,900 NR	

H.B. 230 (PCCS–5175) **Expansion/Capital Budget Report**

Expansion Budget (Continued) **Captial Items** (Continued)	GENERAL FUND FY 95-96	 FY 96-97
47 **UNC - Chapel Hill** Medical Biomolecular and Neurosciences Research Building.		$1,000,000 **NR**
Total Capital	**$113,522,500NR**	**$157,267,000NR**

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Debt Service		
1.00 **Debt Service Funding** This recommendation will provide funding for the additional debt service requirements on the remaining bond issue for the $740 million general obligation bonds for Education, Clean Water and Parks Bond Act Capital Improvements.	$15,031,552 **R**	$24,369,052 **R**
Expansion Budget Changes	$15,031,552 **R**	$24,369,052 **R**

APPENDIX



NORTH CAROLINA GENERAL ASSEMBLY SENATORIAL DISTRICTS

(G.S. 120-1)

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Census Tracts, Block Groups
1st	(1)	**BEAUFORT** (Townships: Long Acre, Pantego, Washington: **Tract 9905:** Block Group 5 [522A, 528A]); **BERTIE** (Whites, Windsor 2); **CAMDEN; CHOWAN; CURRITUCK; DARE; HYDE; PASQUOTANK; PERQUIMANS; TYRRELL; WASHINGTON** (Plymouth 3, Scuppernong, Skinnersville).
2nd	(1)	**BERTIE** (Colerain 1,2, Indian Woods, Merry Hill, Mitchells 1,2, Roxobel, Snakebite, Windsor 1, Woodville); **GATES; HALIFAX** (Butterwood, Conoconnara, Enfield 1,2,3, Halifax, Hobgood, Hollister, Littleton 1,2, Palmyra, Roseneath, Scotland Neck 1,2, Weldon 1,2,3); **HERTFORD; NORTHAMPTON; VANCE** (Dabney, Middleburg, Townsville, Williamsboro); **WARREN**.
3rd	(1)	**CARTERET** (Townships: Atlantic, Beaufort, Cedar Island, Davis, Harkers Island, Harlowe, Marshallberg, Merrimon, Morehead: **Tract 9703:** Block Group 4 [437], **Tracts 9704, 9705, 9706:** Block Group 1, Block Group 2, Block Group 3 [301A, 302-359], Block Group 4, **Tract 9707,** Block Group 6 [601, 602, 621A, 621B, 624A, 625A, 626A, 627A, 628A, 629A, 630-648, 649A, 650-663], **Tract 9708:** Block Group 4: [401A, 459A, 460-463], Newport, Portsmouth, Sea Level, Smyrna, Stacy, Straits, White Oak: **Tract 9708:** Block Group 1 [101B, 102, 103C, 105-126, 130B, 139B], Block Group 2 [201, 203, 204], Block Group 4 [401C, 403-409, 410A, 410B, 410C, 411A, 411B, 411C, 412-414, 415A, 415B, 416, 417A, 417B, 418, 419A, 419B, 420A, 420B, 420C, 421-423, 424A, 424B, 425-444, 445A, 445B, 446-447, 448A, 448B, 449, 450A, 450B, 451-454, 455A, 455B, 456-457, 458B]); **CRAVEN; PAMLICO**.
4th	(1)	**CARTERET** (Townships: Morehead: **Tract 9709**: Block Group 1 [108-124, 125A, 125B, 126-140], Block Group 2 [201A, 201C, 201D, 202-212], **Tracts 9710, 9711, 9711.99, 9712**, White Oak: **Tract 9708**: Block Group 2 [202, 205-256], Block Groups 3, 5,6,7, **Tract: 9709**: Block Group 1 [101-107, 141-154], Block Group 2 [201B], Block Groups 3,4,5,6 [601-665]); **NEW HANOVER** (Cape Fear 2,3, Federal Point 1,2,3, Harnett 2,3,4,5,6,7, Masonboro 2,3,4,5, Wilmington 8,11,12,13,14,16,17,18, Wrightsville Beach); **ONSLOW** (Bear Creek, Catherine Lake, Cross Roads, Folkstone: **Tract 4**: Block Group 3 [301A, 301B, 302A, 302B, 303A, 303B, 304, 305A, 305B, 306A, 306B, 307, 308, 309A, 309B, 310, 311A, 311B, 312-318, 320-330, 340-347, 352-354, 362, 363], Holly Ridge: **Tract 4**: Block Group 4 [401A, 401B], Hubert, Mortons, Sneads Ferry: **Tract 4**: Block Group 3 [319], Swansboro, Tar Landing, Verona: **Tract 3**: Block Group 2 [216], Block Group 3: [301A, 301B, 302, 303A, 303B, 304A, 304B, 305, 306, 307A, 307B, 308, 309A, 309B, 310A, 310B, 313A, 313C, 314-325], Block Group 4 [425-431, 433-435]; Camp Lejeune Military Base 13); **PENDER** (Scott's Hill, Surf City, Lower Topsail, Upper Topsail).

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Census Tracts, Block Groups
5th	(1)	**DUPLIN; JONES** (Chinquapin, Cypress Creek, Tuckahoe); **ONSLOW** (Brynn Marr, Harris Creek, Haw Branch, Haws Run: **Tract 4**: Block Group 4 [408], Gum Branch, Half Moon: **Tract 12**: Block Group 1 [101B, 102B, 108B, 109B, 110-118, 128-132, 136, 137], Jacksonville, East Northwoods, West Northwoods, Richlands); **PENDER** (North Burgaw, Middle Holly: **Tract 9802**: Block Group 1 [112A, 113A, 124, 129A, 130A, 131A, 132-138, 163, 164, 191-195], Upper Holly: **Tract 9803**: Block Group 1 [101A], Long Creek, Penderlea, Rocky Point, Lower Union); **SAMPSON** (Autreyville, Clement, Central Clinton, East Clinton, Northeast Clinton, Southwest Clinton, West Clinton, Garland, Harrells, Herring, Ingold, Keener, Mingo, Plainview, Rowan, Salemburg, Turkey).
6th	(1)	**EDGECOMBE** (Precincts: 1-1, 1-2, 1-3, 1-4, 2-1, 3-1, 4-1, 5-1, 6-1, 7-1, 8-1, 10-1, 11-1, 12-1, 12-2, 12-4, 12-5); **MARTIN** (Goose Nest, Hamilton, Hassell, Jamesville, Poplar Point, Robersonville 1,2, Williams, Williamston 1,2. **Tract: 9704**: Block Group 2 [202], **Tract 9705**: Block Group 4 [413], **Tract 9706**: Block Group 1 [168A]); **PITT** (Arthur, Belvoir, Bethel, Falkland, Farmville East, Farmville West, Fountain; Precincts: Greenville 1,2, 2 (noncontiguous), 3,4); **WASHINGTON** (Lees Mill, Plymouth 1,2); **WILSON** (Gardners; Precincts: Wilson B,E,F,G,H,N,Q).
7th	(1)	**JONES** (Beaver Creek, Pollocksville, Trenton, White Oak); **LENOIR** (Kinston 1,2,6,7,8, Southwest); **NEW HANOVER** (Cape Fear 1, Wilmington 1,2,3,6,7,9,10,15); **ONSLOW** (Holly Ridge: **Tract 4**: Block Group 3 [331-339, 348-351, 355-361, 364], Block Group 4 [402-407, 409-426, 427A, 427B, 428-429, 430A, 430B, 431A, 431B, 432-434, 435A, 435B, 435C, 436A, 436B, 437A, 437B, 438-490, 491A, 491B, 492, 493A, 493B, 494-497], Mills: **Tract 1**: Block Group 1 [101-103, 104B, 105-112, 114, 115, 119, 120, 125B, 129B, 133, 134B, 135B, 136, 137B], New River, Northeast, Verona: **Tract 3**: Block Group 4 [432]. **VTD ZZZZ: Tract 1**: Block Group 1 [104A, 125A, 126-128, 129A, 130-132, 134A, 135A, 137A, 138, 139A, 140-143, 144A, 144B, 144C, 145-168, 169A, 170, 171A, 172-176, 177A, 177B, 178, 179, 185, 186, 196A, 196B, 197A, 197B], **Tract 2**: Block Group 6 [627A, 628, 629A, 629B, 630A, 631-633, 634A, 635A, 648A, 649A], **Tract 12**: Block Group 1 [101A, 102A, 103-106, 107A, 108A, 109A], **Tract 13**: Block Group 1 [107]; Camp Lejeune Military Bases 1,2,3,4,5,6,7,8,9,10,11,12,14); **PENDER** (South Burgaw, Canetuck, Caswell, Columbia, Grady, Upper Holly: **Tract 9802**: Block Group 1 [101-105, 106A, 107A, 114-123, 125-128, 139-162, 165-180, 181A, 182-190, 196, 197], Block Group 2 [201A, 201B, 220], Upper Union).
8th	(1)	**GREENE; LENOIR** (Neuse, Pink Hill 1,2, Trent 1,2, Woodlington); **WAYNE**.

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Census Tracts, Block Groups
9th	(1)	**BEAUFORT** (Townships: Bath, Chocowinity, Richland, Washington: **Tract 9902**: Block Group 1 [129B, 130B, 131-156, 157B, 158B, 159B, 160B, 175B, 176B, 185B, 186B, 187B, 189-191, 197], Block Group 2, **Tracts: 9903, 9904**); **LENOIR** (Contennea, Falling Creek, Institute, Kinston 3,4,5,9, Moseley Hall, Sandhill, Vance); **MARTIN** (Beargrass, Cross Roads, Griffins); **PITT** (Ayden East, Ayden West, Carolina, Chicod, Greenville 5,6,7,8,9,10,11,12,13, Grifton, Grimesland, Pactolus, Simpson, Swift Creek, Winterville East, Winterville West).
10th	(1)	**EDGECOMBE** (Precincts: 9-1, 12-3, 13-1, 14-1); **HALIFAX** (Faucett, Ringwood, Roanoke Rapids 1,2,3,4,5,6,7,8,9,10,11); **NASH; WILSON** (Black Creek, Saratoga, Stantonsburg, Toisnot, Wilson A,C,D,I,M).
11th	(1)	**FRANKLIN; JOHNSTON** (North Beulah, East Clayton, West Clayton, Cleveland, North O'Neals, South O'Neals, East Selma, West Selma, East Smithfield, North Smithfield, West Smithfield, Wilders, Wilson's Mills); **VANCE** (East Henderson, I, II, North Henderson I, II, South Henderson I, II, West Henderson I, IIA, IIB, Hilltop, Kittrell, Sandy Creek, Watkins); **WILSON** (Cross Roads, Old Fields, Spring Hill, Taylors, Wilson J,K,L,P).
12th	(2)	**ALLEGHANY; ASHE; GUILFORD** (North Madison, South Madison, Stokesdale, North Washington, South Washington); **ROCKINGHAM; STOKES; SURRY; WATAUGA.**
13th	(2)	**DURHAM; GRANVILLE; PERSON** (Allensville, Cunningham-Chub Lake, Holloway, Mt. Tirzah, Roxboro City #1,1A,2,3,4, Woodsdale); **WAKE** (Buckhorn, Cedar Fork, House Creek #1, Leesville #1, 3, New Light #2, White Oak #2).
14th	(2)	**JOHNSTON** (North Elevation, South Elevation, Pleasant Grove); **WAKE** (Holly Springs, Little River 1,2, Marks Creek 1,2, Middle Creek 1,2, Panther Branch, Raleigh 01-01 through 01-07, 01-09 through 01-23, 01-26, 01-27, 01-27 (part), 01-28 through 01-46, St. Mary's 1,2,3,4,6,7, St. Matthews 1,2,3,4, Wake Forest 1,2).
15th	(1)	**HARNETT; JOHNSTON** (North Banner, South Banner, West Banner, Bentonville, South Beulah, North Boon Hill, South Boon Hill, East Ingrams, West Ingrams, North Meadow, South Meadow, Micro, Pine Level); **LEE** (Cape Fear, Cumnock, Deep River, Jonesboro, East Sanford, West Sanford 1,2,3); **SAMPSON** (Kitty Fork, Newton Grove, Giddensville, Westbrook).
16th	(2)	**CHATHAM; LEE** (Greenwood, East Pocket, West Pocket); **MOORE; ORANGE; RANDOLPH** (Armory, North Asheboro, East Cedar Grove, West Cedar Grove, Coleridge, Deep River, Eastside, Falls, Franklinville, Grant, Liberty, Lindley Park, Loflin, McCrary, New Hope, Providence, East Ramseur, West Ramseur, East Randleman, West Randleman, Richland, South Pointe, Staley, Union, Westside, Worthville).
17th	(2)	**ANSON; HOKE** (Buchan, Fort Bragg, Puppy Creek, McCain, Rockfish); **MONTGOMERY; RICHMOND; SCOTLAND; STANLY** (For Township: Almond-- see District 22); **UNION.**
18th	(1)	**BLADEN** (For Townships: Hollow, White Oak--see District 30); **BRUNSWICK; COLUMBUS; NEW HANOVER** (Wilmington 4,5).

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Census Tracts, Block Groups
19th	(1)	**DAVIDSON** (Abbotts Creek, Thomasville 8); **GUILFORD** (Bruce, Clay, North Center Grove, South Center Grove, Deep River, Fentress 1,2, Friendship-1, Greene, Jamestown-3, Oak Ridge, Greensboro 20,27A,27B,27C,34A,37A,37B,39,41A, High Point 8,16,20,23,24); **RANDOLPH** (East Archdale, West Archdale, Back Creek, Concord, Level Cross, North New Market, South New Market, Prospect, Tabernacle, East Trinity, West Trinity).
20th	(2)	**FORSYTH** (For Clemmonsville 2,3--see District 38).
21st	(1)	**ALAMANCE; CASWELL; PERSON** (Bushy Fork, Flat River, Hurdle Mills, Olive Hill).
22nd	(1)	**CABARRUS; ROWAN** (Blackwelder Park, Bostian School, Bradshaw, S. China Grove, Enochville, East Kannapolis, West Kannapolis, East Landis, West Landis, Locke, Steele); **STANLY** (Township: Almond).
23rd	(1)	**DAVIDSON** (Boone, Central, Cotton, Southmont, Lexington 1,2,4, Ward 1,2,3,4,5,6, Tyro, Silver Hill); **IREDELL** (Barringer, Coddle Creek 1,2,3, Cool Springs, Eagle Mills, New Hope, Olin, Statesville 3,4,5,6, Turnersburg, Union Grove); **ROWAN** (Cleveland, Faith (noncontiguous), Franklin, Hatters Shop, Milford Hills, Mt. Ulla, West Innes, Scotch Irish, Spencer, East Spencer, Trading Ford, Trading Ford (noncontiguous A), Unity, East Ward I, II, North Ward I, II, South Ward, West Ward I, II, III).
24th	(1)	**CUMBERLAND** (Alderman, Black River, Brentwood, Cedar Creek, Cross Creek 4,7,8,9,10,11,12,14,15,18,20,21,22,23, Cumberland 1,2, Hope Mills 1, Judson, Linden, Long Hill, Manchester, Montclair, Pearces Mill 2,3,4, Seventy First 2,3, Sherwood, Stedman, Vander, Wade).
25th	(1)	**CLEVELAND** (Falston, Lawndale, Polkville, Shelby 4); **GASTON** (Armstrong, Ashbrook, Bessemer City 1,2, Cherryville 1,2,3, Crowders Mtn., Dallas 1,2, Firestone, Flint Groves, Gardner Park, Grier, Health Center, Highland, Landers Chapel, Memorial Hall, Lowell, McAdenville, Myrtle, Ranlo, Robinson, Sherwood, Tryon, Woodhill, Victory); **LINCOLN** (Crouse, Heavners, Lincolnton/North, Lincolnton/South, Lithia, Love Memorial, Long Shoals, North Brook I/II).
26th	(1)	**CATAWBA; LINCOLN** (Asbury, Boger City, Buffalo Shoals, Daniels/Vale, Hickory Grove, North Brook III, Pumpkin Center).
27th	(2)	**ALEXANDER; AVERY; BURKE** (Drexel 1,2,3, Icard 1,2,3,4,5, Jonas Ridge, Linville 1, Lovelady 1,2,3,4, Lower Creek, Lower Fork, Morganton 7, Smoky Creek, Upper Creek, Upper Fork); **CALDWELL; MITCHELL; WILKES; YADKIN.**
28th	(2)	**BUNCOMBE** (For Broad River, Fairview, Limestone 2--see District 42); **BURKE** (Linville 2, Morganton, 1,3,4,5,6,8,9,10, Quaker Meadow 1,2, Silver Creek 1,2,3,4); **MADISON; McDOWELL; YANCEY.**

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Census Tracts, Block Groups
29th	(1)	**HAYWOOD** (For Townships: Cecil, Pigeon--see District 42); **HENDERSON** (Armory, Brickton, Brickton (noncontiguous), North Blue Ridge, Clear Creek, Hendersonville 1,2,3, Long John Mountain, Moores Grove, Northeast, Northwest (noncontiguous), North Mills River, South Mills River, Pisgah View); **JACKSON** (For Township: Cashiers--see District 42); **MACON** (Townships: Cowee, Franklin: **Tract 9702**: Block Group 1 [101B, 110C, 120-129, 130B, 131-140], Block Group 2 [216C], **Tract 9703**: Block Groups 1, 2, 3 [302A, 302B, 304, 307, 308, 309A, 309B, 310A, 310B, 310C, 311-314, 315A, 315B, 316, 317A, 317B, 318-321], Block Groups 4, 5, 6 [601-605, 606A, 607A, 607B, 608, 609A, 610, 611, 612A, 622, 623, 634-637], Block Groups 7, 8 [801B, 802, 804-828], **Tract 9704**: Block Group 1 [160A, 161A, 162A, 164-166], Block Group 2 [218A, 218B, 220, 221A, 221B], **Tract 9706**: Block Group 1 [101-125, 126A], Block Group 2 [201-210, 211B, 211C, 212-226, 227A, 228-238, 239A, 241, 242, 243A, 244A, 245A, 246-251, 252A, 253, 254A, 257-259], Block Group 3 [301C, 306B, 307B, 311A, 312, 313A, 314, 315, 321B], Block Group 4 [408B, 413], **Tract 9707**: Block Group 1 [111B, 112B, 113-118, 119B, 120B, 121B, 123, 136B, 139-141], Block Group 2 [205-207, 210-222], Block Group 3 [301-312, 313A, 314-318, 319A, 320, 321A], Block Group 4 [401B, 401C, 404B, 411A]); **SWAIN; TRANSYLVANIA** (Townships: Boyd, Brevard).
30th	(1)	**BLADEN** (Townships: Hollow, White Oak); **CUMBERLAND** (Beaver Dam, Hope Mills 2); **HOKE** (Allendale, Antioch, Blue Springs, Raeford 1,2,3,4,5, Stonewall); **ROBESON; SAMPSON** (Roseboro, Lakewood).
31st	(1)	**GUILFORD** (Gibsonville, Jamestown 1,2, North Jefferson, South Jefferson, North Monroe, South Monroe, North Sumner, South Sumner, Whitsett, (GIB-G), Greensboro 3, 4, 5, 6, 7, 8, 9, 19, 25, 29, 30, 42, 44, 45, High Point 3, 5, 6, 7, 11, 12, 13, 18, 21, 22).
32nd	(1)	**GUILFORD** (Friendship-2, Greensboro 1, 2, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24A, 24B, 24C, 26A, 26B, 28, 31, 32, 33, 34B, 35A, 35B, 35C, 36, 38, 40A, 40B, 41B, 43, High Point 1, 2, 4, 9, 10, 14, 15, 17, 19).
33rd	(1)	**MECKLENBURG** (Long Creek 2, Charlotte Precincts: 11, 12, 13, 14, 16, 16 (part), 22, 25, 27, 31, 39, 41, 42, 50, 52, 54, 55, 56, 57, 58, 59, 73, 75, 76, 77, 87, 92, 93, 97, 98).
34th	(1)	**LINCOLN** (Lowesville, Triangle); **MECKLENBURG** (Berryhill, Cornelius, Crab Orchard 2, Davidson, Huntersville, Lemly, Long Creek 1-North, Long Creek 1-South, Mallard Creek 1, 1 (part), 2, XMallard Creek-2 (noncontiguous), Oakdell, Paw Creek 1,2, Steel Creek 1,2, Charlotte Precincts: 4,23,24,26,40,53,60,78,79,80, 81,82,89,105).
35th	(1)	**MECKLENBURG** (Clear Creek, Matthews 1,2,3,4, Mint Hill 1,2,3, Pineville, Providence 1, 2 ,3, Charlotte Precincts: 8, 19, 32, 36, 47, 48, 65, 66, 67, 68, 69, 70, 71, 72, 74, 83, 85, 86, 88, 90, 91, 93 (part), 94, 96, 100, 102).
36th	(1)	**WAKE** (Bartons Creek 1,2, Cary 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, House Creek 2,3,4,5,6, Leesville 2, Meredith, Neuse 1,2, New Light 1, St. Marys 5, Swift Creek 1,2,3,4, White Oak 1).

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Census Tracts, Block Groups
37th	(1)	**CLEVELAND** (Bethware, Boiling Springs, Casar, Grover, Holly Springs, East Kings Mountain, West Kings Mountain, Lattimore, Mooresboro-Youngs, Mulls, Pearl, Shanghai, Shelby 1,2,3,5,6,7, Waco); **RUTHERFORD.**
38th	(1)	**DAVIDSON** (Alleghany, Arcadia, Denton, Emmons, Hampton, Healing Springs, Holly Grove, Jackson Hill, Lexington 3, Liberty, Midway, Reeds, Reedy Creek, Silver Valley, Thomasville 1,2,3,4,5,7,9,10, Welcome, Yadkin College); **DAVIE; FORSYTH** (Clemmonsville 2,3); **ROWAN** (Barnhardt Mill, Bostian Crossroads, N. China Grove, Faith, Gold Knob, Granite Quarry, Morgan I, II, Rockwell, Sumner).
39th	(1)	**GASTON** (Alexis, Belmont 1,2,3, Catawba Heights, Cramerton, High Shoals, Forest Heights, Gaston Day, South Gastonia, Lucia, Mt. Holly 1,2, New Hope, Southpoint, Stanley 1,2, Union); **IREDELL** (Bethany, Chambersburg, Coddle Creek 4, Concord, Davidson, Fallstown, Sharpesburg, Shiloh, Statesville 1,2); **LINCOLN** (Denver, Iron Station, Salem, Westport).
40th	(1)	**MECKLENBURG** (Crab Orchard 1, Charlotte Precincts: 1, 2, 3, 5, 6, 7, 9, 10, 15, 17, 18, 20, 21, 28, 29, 30, 33, 34, 35, 37, 38, 43, 44, 45, 46, 49, 51, 61, 62, 63, 64, 84, 95, 104.)
41st	(1)	**CUMBERLAND** (Beaver Lake, Cottonade, Cross Creek 1,2,3,5,6,13,16,17,19,24, Eastover, Morganton Road 1,2, Spring Lake, Seventy First 1, Westarea).
42nd	(1)	**BUNCOMBE** (Broad River, Fairview, Limestone 2); **CHEROKEE; CLAY; GRAHAM; HAYWOOD** (Townships: Cecil, Pigeon); **HENDERSON** (Bat Cave, South Blue Ridge, Bowmans Bluff, Crab Creek, Edneyville, Etowah, Flat Rock, Fletcher, Green River, Grimesdale, Hoopers Creek, Horse Shoe, Laurel Park, Northwest, Park Ridge, Raven Rock, Rugby, Southeast, Southwest, Valley Hill); **JACKSON** (Township: Cashiers); **MACON** (Townships: Burningtown, Cartoogechaye, Ellijay: **Tract 9706**: Block Group 2 [211A], Flats, Franklin: **Tract 9703**: Block Group 6 [606B, 607C, 609B, 612B, 612C, 612D, 613-618, 619A, 619B, 620, 621, 624-631, 632A, 632B, 633A, 633B], Block Group 8 [829-831, 832B], **Tract 9707**: Block Group 1 [101-109, 110B], Block Group 2 [201A, 201B, 201C, 202A, 202B, 202C, 202D, 203, 204, 208, 209], Highlands, Millshoal, Nantahala, Smiths Bridge, Sugar Fork: **Tract 9706**: Block Group 3 [301E, 304B, 337B, 339B, 340B, 343-369]); **POLK; TRANSYLVANIA** (Townships: Catheys Creek, Dunns Rock, Eastatoe, Gloucester, Hogback, Little River).

SENATE RESOLUTIONS
FIRST SESSION 1995

Adopted January 25, 1995 (See page 28)

S.R. 1, A SENATE SIMPLE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSIONS OF THE 1995 GENERAL ASSEMBLY OF NORTH CAROLINA.

Adopted February 27, 1995 (See page 143)

S.R. 176, A SENATE SIMPLE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate:

Section 1. The following procedures for nominating and electing members of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the Senate Committee on Education/Higher Education (hereinafter referred to as the "Senate Committee") to choose nominees for each opening in each category of seats on the Board of Governors of The University of North Carolina to which the Senate is to elect members.

2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the University Board of Governors through February 28, 1995. A Senator may propose as a candidate for nomination as many persons in a category as there are positions to fill in a category. In 1995 the total number of positions is eight. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally proposed as a candidate for nomination by a member of the Senate. Only a written nomination on a form provided by the cochairs of the Senate Committee for that purpose and received in the office of one of the cochairs of the Senate Committee by 5:00 p.m. on February 28, 1995, shall constitute formal proposal of a candidate. An individual cannot be a candidate for nomination or be nominated in more than one category.

3. A Senator may propose candidates for nomination only for the categories available for election by the Senate. In the 1995 Session, the Senate will elect:

(a) Six at-large members for four-year terms; and

(b) Two members of the political party to which the largest minority of members of the General Assembly belong for four-year terms.

4. On or after March 1, 1995, the Senate Committee shall list all proposed candidates for nomination by category. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated for each category. The Senate Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall vote on each candidate proposed for nomination. If a sufficient number of nominees who are legally qualified are submitted in a category, then the slate of candidates shall list at least twice

the number of candidates for the total seats open in a category. A candidate for nomination that receives the vote of a majority of those members of the Senate Committee present and voting shall become a nominee on the Senate ballot.

5. The cochairs of the Senate Committee shall ascertain whether the nominees for election by the Senate would serve if elected. Any nominee may withdraw without the approval of the sponsor.

6. Senate Committee nominees shall be placed before and recommended to the Senate for election.

II. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the cochairs of the Senate Committee for the use of the Senate.

2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged: (a) by category and (b) within each category, alphabetically by surname.

3. The Senate shall hold its election no later than the beginning of the daily session on March 28, 1995. Before the voting begins, one of the cochairs of the Senate Committee shall explain the voting rules, which are:

(a) No nomination shall be received from the floor.

(b) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting in the nominee's category.

(c) Each member present and voting shall vote for as many nominees as there are positions to be filled in each category, and any ballot not so marked shall be deemed void as to that category.

(d) When fewer than two nominees in the minority party category, or fewer than six nominees in the at-large category, receive the votes of a majority of all members present and voting for positions in those categories, a runoff to fill the open position or positions shall be conducted among the nominees who were not elected but who received the highest number of votes cast in each category, and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.

(e) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position, unless the deciding vote is cast in accordance with the North Carolina Constitution, Article II, Section 13.

(g) When more than two nominees in the minority party category, or more than six nominees in the at-large category, receive the votes of a majority of all members present and voting for positions in those categories, then the two nominees in the minority category, or the six nominees in the at-large category, receiving the highest number of votes in the category shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for the following:

(a) Two persons in the minority political party of the General Assembly category for four-year terms; and

(b) Six persons in the at-large category for four-year terms.

Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

5. The cochairs of the Senate Committee shall be responsible for canvassing the vote and declaring the results. All ballots shall be retained by the Princi-

pal Clerk as part of the permanent records of the Senate and shall be open for immediate public inspection.

6. When the cochairs of the Senate Committee have determined that the Senate has chosen two persons from the minority political party of the General Assembly category and six persons from the at-large category to serve as members of the Board of Governors for terms of four years, the President of the Senate shall declare those eight persons to have been elected.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the cochairs of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the Senate and the category and term for which each person was elected.

Sec. 2. This resolution is effective upon adoption.

Offered March 1, 1995 (See page 158)

S.R. 285, A SENATE SIMPLE RESOLUTION MEMORIALIZING CONGRESS TO RELIEVE SMALL WATER SUPPLY SYSTEMS FROM COMPLYING WITH UNNECESSARY FEDERAL TESTING REQUIREMENTS FOR DRINKING WATER SUPPLIES.

Whereas, the federal Safe Drinking Water Act requires small water supply systems to test for various contaminants in drinking water sources; and

Whereas, every three years, the Environmental Protection Agency is required to add 25 new contaminants to the list of contaminants for which drinking water sources are to be tested; and

Whereas, the testing and monitoring of some contaminants as with some types of pesticides can cost several thousands of dollars each year; and

Whereas, the cost too small water supply systems in complying with the federal testing requirements for drinking water sources is unduly burdensome;

Now, therefore, be it resolved by the Senate:

Section 1. The North Carolina Senate respectfully memorializes the Congress of the United States to relieve small water supply systems from the burden of complying with unnecessary federal testing requirements for drinking water sources.

Sec. 2. The Principal Clerk shall transmit a certified copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of North Carolina's Congressional Delegation.

Sec. 3. This resolution is effective upon adoption.

Offered May 1, 1995 (See page 423)

S.R. 926, A SENATE SIMPLE RESOLUTION URGING NORTH CAROLINA'S CONGRESSIONAL DELEGATION TO MAKE EVERY EFFORT TO ENSURE THE TRANSFER OF THE F-18 AIRCRAFT WING FROM THE NAVAL AIR STATION CECIL FIELD, FLORIDA, TO THE MARINE CORPS AIR STATION CHERRY POINT, NORTH CAROLINA.

Whereas, the decision of the Base Realignment and Closure Commission to transfer the F-18 Aircraft Wing from the Naval Air Station Cecil Field in Florida to the Marine Corps Air Station Cherry Point was based on the following criteria:

(1) Marine Corps Air Station Cherry Point has higher "Military Value";

(2) Marine Corps Air Station Cherry Point selection would alleviate concerns regarding future environmental and land use problems;

(3) Marine Corps Air Station Cherry Point selection dovetails with and enhances joint navy and marine corps doctrine of employment of navy and marine corps aircraft carriers; and

(4) Naval Air Station Oceana in Virginia has a lower military value; and

Whereas, there is a new effort to transfer the F-18 Aircraft Wing to Naval Air Station Oceana rather than to Marine Corps Air Station Cherry Point, challenging the Base Realignment and Closure Commission decision; and

Whereas, this effort appears to be for political reasons not associated with the objective criteria established by the Base Realignment and Closure Commission decision; and

Whereas, the Base Realignment and Closure Commission and the Secretary of Defense's decisions clearly established the greater military value of Marine Corps Air Station Cherry Point; and

Whereas, approximately $150 million is generated annually by the F-18 Aircraft Wing; and

Whereas, the economic impact criteria seems to be the reason politics has entered into the decision making process; and

Whereas, Eastern North Carolina's economy would be far more positively affected by transfer of the F-18 Aircraft Wing to Marine Corps Air Station Cherry Point than would the economy of Eastern Virginia due to the extreme lack of industry in Eastern North Carolina; and

Whereas, planes based at Naval Air Station Oceana, because of their proximity to North Carolina, do much of their primary training in the ranges and restricted military air spaces of Eastern North Carolina; and

Whereas, Eastern North Carolina would still be subject to the noise impact from training if the planes are based at Naval Air Station Oceana;

Now, therefore, be it resolved by the Senate:

Section 1. North Carolina's Congressional Delegation is urged to utilize the auspices of their respective offices in every way conceivable to ensure the transfer of the F-18 Aircraft Wing to the Marine Corps Air Station Cherry Point.

Sec. 2. The Principal Clerk shall transmit a certified copy of this resolution to each member of North Carolina's Congressional Delegation and to the Secretary of Defense.

Sec. 3. This resolution is effective upon adoption.

Adopted July 6, 1995 (See page 991)

S.R. 1098, A SENATE SIMPLE RESOLUTION RECOGNIZING THE ONE HUNDREDTH ANNIVERSARY OF SPENCER SHOPS.

Whereas, Southern Railway began construction on Spencer Shops, a massive steam locomotive and freight car rebuild and repair facility in Rowan County in 1896; and

Whereas, the communities of Spencer and East Spencer sprang up around the shops providing a community and homes for the thousands who were employed by the shops; and

Whereas, Spencer Shops continued to provide jobs and critical services for the Southern Railway until 1979; and

Whereas, Southern Railway donated the 57-acre complex to the State of North Carolina; and

Whereas, thousands of dollars and volunteer hours have been invested in the preservation and restoration of Spencer Shops; and

Whereas, Spencer Shops is now the home of the North Carolina Transportation Museum and hosts over 80,000 visitors per year whose tourism dollars are estimated to have an economic impact of $30,000,000 through the year 2000; and

Whereas, a major restoration of the Spencer Shops Roundhouse will be completed in 1996; and

Whereas, transportation, and particularly the railway industry, has been an important factor in the economic growth of North Carolina and the prosperity enjoyed by its citizens;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate wishes to recognize the 100th Anniversary of the Spencer Shops in Rowan County. The Senate further wishes to encourage the citizens of this State as well as railway enthusiasts throughout the country to join the Senate and the citizens of the Town of Spencer in supporting and participating in celebration activities on the 100th Anniversary of Spencer Shops in 1996.

Sec. 2. The Principal Clerk shall transmit a certified copy of this resolution to the Mayor of the Town of Spencer.

Sec. 3. This resolution is effective upon adoption.

Offered July 20, 1995 (See page 1089)

S.R. 1101, A SENATE SIMPLE RESOLUTION HONORING THE MEMORY OF AMY JEAN JACKSON AND COMMENDING THE HEROISM OF ROBERT JACKSON, JR.

Whereas, on July 7, 1995, Amy Jean Jackson, age 11, and Robert "Bobby" G. Jackson, Jr., age 13, the children of Robert G. Jackson, Sr. and Shana Myatt Jackson, became the victims of violent crimes committed against them on a farm in rural Caswell County; and

Whereas, Amy Jean Jackson lost her life and her younger brother, who exhibited great courage and valor in the aid of his sister, sustained grave injuries; and

Whereas, this tragic event is but one example of the many violent crimes committed against the citizens of North Carolina; and

Whereas, Amy Jean Jackson will be remembered as an outgoing, bright, friendly, athletic girl, who was very supportive of her brother; and

Whereas, Bobby Jackson deserves special recognition for his heroism during such a terrible incident;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate mourns the loss of Amy Jean Jackson and extends its sympathy to her family and friends and further commends the heroism of Bobby Jackson.

Sec. 2. The Principal Clerk shall transmit a certified copy of this resolution to the family of Amy Jean Jackson.

Sec. 3. This resolution is effective upon adoption.

EXECUTIVE ORDERS
of the
GOVERNOR OF THE STATE
OF NORTH CAROLINA

In compliance with G.S. 150A (Art. 5) and Chapter 479 (S.B. 1 [Sec. 152]) of the 1985 Session Laws, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued following adjournment *sine die* of the 1993 General Assembly on July 17, 1994 through adjournment of the 1995 General Assembly on July 29, 1995, as summarized below.

The full text of Executive Orders 54 through 82 issued by Governor James B. Hunt, Jr., can be found in the Session Laws of the 1995 General Assembly.

Executive Order	Title	Date of Issuance

54 **To Create the North Carolina Health Care Information and Communications Alliance** July 1, 1994

Establishes: Alliance as a nonprofit corporation under Section 501(c)(3) of the Internal Revenue Code. **Purpose:** Foster development and implementation of a statewide health care information system to improve delivery, quality, accessibility and efficiency of health care services by advanced information, telecommunications, and telemedicine technology. **Duties:** Research, test, develop and promote optimum applications to achieve integrated and interactive information systems to link statewide, health care information with attention to national and international information systems in a confidentiality-protected environment. Provide education, training and coordination of the use of information and technologies to health care providers, suppliers, patients, educators, and public agencies. Provide data and analysis to State and federal governments for policy development and decision-making. **Board of Directors:** Chair appointed by Governor. Members shall represent the following: major medical centers; rural health care centers or organizations; telecommunications and information technology companies; pharmaceutical, clinical trial companies and health care applications device development and manufacturing companies; other health care providers, local public health departments and nonprofit organizations; persons who represent the interests of the State. Board members shall review and, if necessary, refine the by-laws; apply and receive certification as nonprofit corporation; identify and implement initiatives; develop a six-year plan to be updated at least every two years; adopt proposal for staffing and budget for operating; establish terms and fees for membership and funding sources to be self-sustaining. **Effective:** immediately.

55 **North Carolina — Head Start Collaboration Project Advisory Council** July 7, 1994

Establishes: Advisory Council to consist of the following or their designees: Senior Education Advisor, Office of the Governor; Secretaries of: Human Resources; Environment, Health, and Natural Resources; Commerce; Directors of Divisions of Department of Human Resources on: Family Development; Child Development;

Medical Assistance; Mental Health, Developmental Disabilities, and Substance Abuse Services; Social Services; Vocational Rehabilitation Services; and Office of Rural Health and Development Services; and a representative from the North Carolina Interagency Coordinating Council. Invited members or their designee shall be: President of Community Colleges, Superintendent of Public Instruction, President of North Carolina Head Start Association, President of North Carolina Partnership for Children, Inc., President of North Carolina Community Action Association. Governor shall appoint nine members, at least three shall be former Head Start participants or parents. **Terms:** Five (four years), remainder (two years), thereafter (four years.) Governor appoints Chairman. **Purpose:** build cooperation between Head Start and other State and private programs for impoverished children to effect fullest access to programs. **Duties:** identify and sponsor collaborative ventures and serve as information resource to meet goals and objectives for inter-agency projects. **Administration:** Special Assistant for Head Start, Department of Human Resources shall provide support using U.S. Department of Health and Human Resources grant of $100,000. **Rescinds:** previous administration Executive Order 186. **Effective:** immediately.

56 Governor's Task Force on Health Objectives for the Year 2000 July 13, 1994

Re-establishes: Task Force as successor organization to that established by previous administration Executive Orders 148 and 176 which are hereby **rescinded. Membership:** Twenty-five members including a Chairman appointed by the Governor from the following: Department of Human Resources, Department of Environment, Health, and Natural Resources, Association of NC Boards of Health, NC Hospital Association, NC Medical Society, NC Academy of Family Physicians, NC Association of Local Health Directors, UNC School of Public Health, NC Citizens for Business and Industry, NC Commission on Indian Affairs, NC Association of County Commissioners, NAACP, NC Minority Health Council, Governor's Council on Physical Fitness and Health, NC Dental Society, NC Nurses' Association, Old North State Medical Society, and eight at-large members including a representative from local education. **Duties:** provide encouragement and guidance to communities to establish local groups to accomplish objectives of Task Force and to designate Healthy Carolinians 2000 Task Forces comprised of public and private organizations to support goals of the Task Force. **Administration:** shall be provided by the Departments of Environment, Health, and Natural Resources and Human Resources. Cooperation of each Cabinet department to carry out this Order. **Effective:** immediately.

57 Georgia Emergency Flood Relief July 14, 1994

Orders, until August 13, 1994, the State of North Carolina to waive weight restrictions on gross weight of vehicles transporting food, supplies, and equipment to victims of severe flooding in the State of Georgia subject to the following conditions: vehicle weight shall not exceed maximum gross vehicle weight set by manufacturer or 90,000 pounds, whichever is less; tandem axle weights shall not exceed 50,000 pounds and single axle weights shall not exceed 25,000 pounds; vehicle, upon entering the State shall stop at first available station and identify load as flood relief for Georgia. This shall not be in effect on bridges posted pursuant to G.S. 136-72. Vehicles described above shall be exempt from licensing and tax requirements of G.S. 105, Article 36B. Returning vehicles carrying other backhaul shall comply with normal weight and permit restrictions. **Effective:** immediately.

58 Public Greenways Across State Lands July 14, 1994

Purpose: to accommodate local government requests for development of greenway systems; to obtain interagency cooperation to address multiple objectives; implement solutions to enhance development. **Actions:** State Property Office and Department of Transportation shall work with local governments to integrate local greenways with State lands; severance of greenways to be avoided and alternative routes preferred to exclusion; negotiation with local governments on easement conditions to mitigate for the greenway corridor to assure adequate maintenance and management. DEHNR shall continue in a leadership role and encourage, coordinate and monitor progress, and emphasize the development of educational information on greenways for use within State programs, local governments, and individual citizens. **Effective:** immediately.

59 Governor's Task Force on Driving While Impaired July 26, 1994

Establishes: Task Force as ad hoc committee of Governor's Highway Safety Commission to consist of not more than thirty-five members appointed by and serving at the pleasure of the Governor. Governor appoints Chair and Vice Chair. Members of Highway Safety Commission shall serve *ex officio*. **Duties:** Review North Carolina statutes on DWI and proposals in other states designed to deter driving while impaired and propose actions to reduce incidents in North Carolina. **Report:** to Governor by January 20, 1995 and dissolve upon report. **Meetings:** shall meet regularly at call of Chair and any time at call of Chair or Governor. **Expenses:** reimbursed for travel and subsistence as authorized by G.S. 138-5 from funds authorized by Governor's Highway Safety Program. **Effective:** immediately and expires January 31, 1995.

60 North Carolina State Defense Militia August 22, 1994

Establishes: Militia within the Department of Crime Control and Public Safety to assume duties assigned by Governor or his designee. Responsible to and subject to discretion and supervision of Adjutant General of North Carolina National Guard. Secretary of Crime Control and Public Safety authorized under G.S. 127A-80(c) to establish rules and regulations. Secretary shall appoint the Commander (General Officer) of Militia to serve at his pleasure. All other officers appointed in accordance with rules and regulations. **Rescinds:** previous administration Executive Order 65. **Effective:** immediately and remains in effect until further Executive Order or other law. G.S. 147-16.2 shall not apply to this Order.

61 Amending Executive Order 17, the North Carolina Emergency Response Commission August 26, 1994

Expands: Membership of Commission to twelve members by adding Assistant Deputy Commissioner of Labor for Occupational Safety and Health, Department of Labor. **Effective:** immediately.

62 Escorts for Foreign Research Reactor Spent Nuclear Fuel September 9, 1994

Directs: State Highway Patrol Commander to assign necessary personnel and equipment to escort shipments of, and to review the status of tracks to be used to ship, Foreign Research Reactor Spent Nuclear Fuel through North Carolina from Sunny Point Army Terminal to the Savannah River federal facility in South Carolina. Other State employees shall be assigned as deemed necessary. **Effective:** immediately and shall expire in sixty days unless terminated or extended by further Executive Order.

63 **Establishing the North Carolina Alliance for Competitive Technologies (NCACTS)** September 26, 1994

Establishes: Alliance to apply innovation, technology and technical resources to promote economic growth in the State by organizing existing resources and developing additional resources as necessary. **Board of Directors:** nineteen persons appointed by Governor from public and private sectors. Nine from educational institutions, government, and non-profit institutions and ten from private sector with initial terms of one year. Chair appointed by Governor for three-year term. Subsequent terms shall be staggered with one-third each serving one-year, two-year, and three-year terms. **Duties:** Board shall advise Governor and General Assembly of approved policies, regulations, and by-laws necessary to operate; oversee plans, studies, and performance standards; and implement procedures to insure cooperation within State government. **Funding:** Federal and State matching funds. The Alliance shall be housed in Department of Administration with oversight from the Office of the Governor. **Effective:** immediately.

64 **Amending Executive Order Number 32 Concerning the Governor's Advisory Commission on Military Affairs** October 20, 1994

Transfers: Support for the Commission from the Department of Crime Control and Public Safety to the Office of the Governor. **Effective:** immediately.

65 **Amending Executive Order Number 21, the Local Government Partnership Council** October 20, 1994

Expands: Membership by adding Secretary of Department of Revenue, State Treasurer, State Auditor, and Secretary of State or their designees. **Effective:** immediately.

66 **Statewide Flexible Benefits Program** December 5, 1994

Establishes: Employee Flexible Benefits Program (EFBP) within the Office of State Personnel and a Flexible Benefits Advisory Committee (FBAC) to assess plan design, administrative procedures and capabilities, and communication needs to implement a comprehensive statewide flexible benefit plan. **Duties of the EFBP:** implement Plan; administer contracts for supplemental insurance and third party administrators; coordinate FBAC, spending accounts, enrollment, and communication concerning Plan and other benefits; and provide a voice to Legislature on behalf of Plan. **Duties of the FBAC:** assist EFBP administratively by reviewing existing benefits and contracts, recommending pre-tax benefits to include in Plan, administering spending accounts, and other functions as necessary. **Membership of FBAC:** Nine members appointed by the Governor from the following Offices: State Controller, State Treasurer, State Budget, Attorney General, State Health Benefits, Administrative Office of the Courts, General Assembly, University of North Carolina System, and State Employees Association. One representative from Departments of Public Instruction and Community Colleges shall serve as non-voting *ex officio* members. Director of State Personnel appoints Chair from membership for one-year term. Manager of EFBP serves *ex officio* and provides support staff. **Effective:** immediately. **See Ch. 542, Sec. 2.1(13), 1995 S.L. (HB 898)**

67 **Extension of Executive Order No. 1, North Carolina Board of Ethics** January 6, 1995

Extends: Executive Order 1, as amended by Executive Order 14, without amendment for two years. **Effective:** immediately.

68 **Establishing the North Carolina Information Highway Council of Advisors and the North Carolina Information Highway Policy Committee** January 6, 1995

Establishes: Council and Policy Committee. **Council** shall consist of 30 members. Governor shall appoint fifteen members including Chair. Speaker and *Pro Tempore* shall appoint five each. Chairs of Information Resources Management Commission, Utilities Commission, and Policy Committee; CEO of MCNC; and State Controller shall be requested to serve *ex-officio*. **Policy Committee** and Chair shall be appointed by Governor to include representatives from State agencies, one staff person from IRMC and State Controller's Office, and two from MCNC Advanced Networking Group as well as public or private non-profit groups. Committee may form subcommittees as necessary. Policy Committee serves as staff for Council. Staff for Policy Committee provided by Office of Governor, State Controller and IRMC. **Terms:** Council and Policy Committee serve two-year terms. **Report:** Council and Policy Committee shall file a report with Governor, IRMC, and General Assembly by June 1995 and at least biennially thereafter. **Funding:** from already appropriated funds and from public and private for-profit and non-profit foundations. **Rescinds:** any Orders or portions of Orders inconsistent herewith. **Effective:** immediately until rescinded.

69 **Governor's Council on Children, Youth, and Families** January 24, 1995

Establishes: Council to consist of Governor as Chair, Vice-Chair appointed by Governor to serve in his absence, and the following or their designees: Governor's Senior Education Advisor, Secretaries of Environment, Health, and Natural Resources; Human Resources; Cultural Resources; Commerce; Transportation; and Administration. The following or their designees shall be invited to serve: Lieutenant Governor, Superintendent of Public Instruction, Chair of State Board of Education, Commissioner of Labor, President of Community Colleges, President of University of North Carolina, Director of Administrative Office of the Courts, Chair of the North Carolina Partnership for Children, Inc., Chairs of Senate and House Appropriations on Human Resources Committees (one each), Chairs of Senate and House committees dealing with human services programs for children, youth, and families (one each). **Duties:** Provide statewide leadership on issues affecting children, youth, and families by coordinating state agencies; developing a comprehensive, unified, long-range agenda; and establishing accountability to achieve State goals. Council may establish committees, task forces, and other working groups as necessary and may invite non-members to serve on such groups. The Department of Human Resources shall provide services as needed. **Effective:** immediately.

70 **Reissuing Executive Order No. 37, Citizen Access to Public Records Maintained by State Government** January 25, 1995

Reissues Executive Order No. 37, without amendment, until July 1, 1995. **Effective:** immediately.

71 **Extending Executive Orders 2, 6, 9, 10, 11, 15, 16, 17 and 19** January 26, 1995

Extends the following:

	Original Expiration	Extended
Small Business Council	February 11, 1995	Two years
Entrepreneurial Development Board	April 12, 1995	Two years
Commission for a Competitive North Carolina	May 5, 1995	Two years

Quality Leadership Awards Council	May 5, 1995	Two years
Governor's Council of Fiscal Advisors	May 5, 1995	Two years
Coordinating Committee on the Americans with Disabilities Act	May 20, 1995	Two years
The Geographic Information Coordinating Council	May 21, 1995	Two years
North Carolina Emergency Response Commission	June 16, 1995	Two years
Center for the Prevention of School Violence	June 30, 1995	Two years

72 **North Carolina State Postsecondary Eligibility Review Commission** March 6, 1995

Establishes: Commission to carry out State's responsibility under Title IV USC, Part H. Commission shall guide activities of the Program, serve as Postsecondary Review Entity, prepare Eligibility Review Standards and implement the process on behalf of the United State Secretary of Education. **Membership:** Five members appointed by Governor for two-year terms from the following: public higher education, private higher education, community colleges, proprietary schools, and at-large. Membership selects Chairperson. Governor fills vacancies. **Expenses:** per diem, travel and subsistence pursuant to G.S. 138-5. **Review:** membership shall review by April 1, 1996, and every two years thereafter and recommend to Governor to extend or rescind. **Staff:** may hire if federal funds are available. Department of Administration provides fiscal management services.

73 **Suspension of Rules During Local Emergencies** March 15, 1995

Electric supplier vehicles and commercial drivers are exempt from rules and regulations restricting participation in a "local emergency" which is any outage or interruption of service within the State beginning from the time when an electric supplier receives notice of an outage or conditions reasonably likely to result in an outage until the maintenance or repair is completed and personnel have returned to their normal work routines. **Effective:** immediately.

74 **Designating the Year of the Mountains and Creating the Year of the Mountains Commission**

Designates: July 1, 1995 through June 30, 1996 as The Year of the Mountains. **Establishes:** Commission to consist of fifteen members appointed by Governor with one designated as Chair. **Duties:** develop recommendations to focus statewide media and public attention on mountains to enhance quality growth and development, protect natural beauty, and preserve culture of the region by coordinating with local officials to promote events. Governor shall designate an Executive Coordinator to provide professional assistance and information, coordinate activities, and maintain official minutes and records. **Funding:** provided by Departments of Environment, Health, and Natural Resources; Commerce; Cultural Resources; and from monies appropriated by the General Assembly. Commission may accept donations of in-kind services subject to Executive Budget Act. Commission shall be considered a "public body." **Effective:** immediately.

75 **Creation of Regional Councils and a Coordinating Council to Support Sound Environmental Management in the Albemarle-Pamlico Estuarine Study Region** March 30, 1995

Establishes: Five Regional Councils, one for each river basin in the Albemarle-Pamlico Watershed and a Coordinating Council consisting of representatives from each Regional Council, citizens commissions, federal resource agencies, and state government. **Regional Councils Membership:** Each council shall have at least three members from each county in the basin (one county

official, one municipal official, one appointed by Secretary of EHNR). Members shall serve five-year terms coinciding with cycle of discharge permit renewals. **Duties of Regional Councils:** Advise and consult with local, State, and federal governments, and public to implement environmental management programs, prioritize problems, and design cost-effective strategies to deal with those problems. Each Council shall prepare an annual progress report. **Coordinating Council Membership:** Two officials and one other member from any background from each Regional Council; an appointee of the Chairman of the following commissions: Marine Fisheries, Soil and Water Conservation, Environmental Management, Coastal Resources, Wildlife Resources, Forestry Advisory Council, and Sedimentation Control; a representative from U.S. EPA, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration; the following or their designees: Secretary of DEHNR, Secretary of Commerce, Commissioner of Agriculture. **Duties of Coordinating Council:** evaluate and support implementation to ensure cooperation among agencies, local governments, and public and private groups, consult with Regional Councils for strategies at local level, set annual priorities and make recommendations, pursue a Memorandum of Agreement between North Carolina and Virginia to continue cooperation and coordination. Each participating entity of the Coordinating Council shall submit annual ports on progress and success of implementation. **Rescinds:** any Executive Orders or portions that are inconsistent herewith. **Effective:** immediately.

76 **North Carolina Motor Carrier Advisory Committee** April 3, 1995

Establishes: Commission of not less than 18 members as follows: Secretary of Transportation; Highway Administrator; Commissioner, Division of Motor Vehicles; Director, Motor Fuel Division, Department of Revenue; Director, Governor's Highway Safety Program; a representative of: State Highway Patrol and State Ports Authority; at least six from motor carrier industry; at least three representing intra-state truck users; National Motor Carrier Advisory Committee members serve ex-officio. Non-specified positions shall be appointed by Secretary of Transportation. **Terms:** two-years. Secretary of DOT or designee shall Chair. Secretary may designate a Co-Chair. **Duties:** review current laws, policies, and procedures for taxation, regulation and safety of motor carrier industry and determine inconsistencies with other states; work with National Governors' Association, Federal Highway Administration, State Board of Transportation, and other organizations to streamline efficiency between states; and advise Governor concerning motor carrier industry. **Staff:** DOT provides planning, technical, and administrative support. **Effective:** immediately.

77 **Transit 2001 Commission** May 2, 1995

Establishes: Commission and Technical Committee to develop master plan for transportation needs. Governor appoints Commission. Secretary of DOT appoints Technical Committee. Within fifteen months of the issuance of this Order, DOT and Commission shall recommend a master plan to the Governor. **Effective:** immediately and remain in force until Commission submits the master plan.

78 **North Carolina Human Service Transportation Council** May 23, 1995

Establishes: Council to consist of appointees by the Secretaries in consultation with division directors of the following: Department of Administration, DOT, DHR, DEHNR, and DOC. All divisions which administer federal and state funds to provide human service transportation at the local level shall be represented. Deputy Secretary for Transit, Rail, and Aviation of DOT shall Chair. **Duties:**

implement policy, undertake studies to enhance coordination and delivery, advise and recommend concerning transportation services. Existing resources shall be utilized before new resources are implemented. **Rescinds:** previous administration Executive Order No. 150. **Effective:** immediately.

79 **Rescinding the Center for the Prevention of School Violence** June 7, 1995

Rescinds: Executive Order Number 19, signed June 30, 1993, and transfers Center to the Board of Governors of the University of North Carolina. **Effective:** immediately.

80 **Amending Executive Order No. 63, the North Carolina Alliance for Competitive Technologies (NCACTS)** June 13, 1995

Changes Membership: Expands to twenty-two members. Speaker and President *Pro Tempore* are requested to nominate two members from each party to serve concurrent with term of office. Six (was nine) appointed from educational institutions, government, and non-profit institutions. Twelve (was ten) from private sector. **Effective:** immediately.

81 **Creation of the Family Support Trust Fund** June 27, 1995

Establishes: Trust Fund within Department of Human Resources to serve as a pool in which State, federal, and private funds may be combined, invested, and disbursed to promote and develop a broad range of child abuse and neglect prevention activities and resource programs. An Interdisciplinary Advisory Board consisting of representatives from communities, health, mental health, education, vocational rehabilitation, employment and training, child welfare, and other State agencies shall administer the Fund. **Duties:** assess issues, solicit proposals for broad range programs, and provide funds to prevent child abuse and neglect; receive gifts, bequests, and devises for deposit and investment into the Fund; and establish criteria for awarding grants. **Report:** to Governor and Secretary of Department of Human Resources at the end of each fiscal year. **Staff:** provided by Department of Human Resources. **Effective:** immediately. Fund shall be dissolved at the pleasure of Governor and assets remaining turned over pursuant to Sections 501(c)(3) and 170(c)(2) of the IRC of 1954 or corresponding sections of any prior or future law, or to the federal, state, or local government for expenditure as set out in this Order at the discretion of the Governor.

82 **Persian Gulf War Memorial Commission** July 27, 1995

Establishes: Commission appointed by the Governor, as follows: upon recommendation of Speaker of the House of Representatives and President Pro Tempore of Senate, two each; five to include a representative of Desert Storm Memorial Foundation; and one from Department of Cultural Resources, Division of Veterans Affairs of the Department of Administration, and State Capitol Planning Commission as non-voting ex-officio members. Members serve for the life of the Commission. Governor appoint Chair from membership. **Purpose:** create proposal for site selection, design, funding, and construction of a Persian Gulf War Memorial. **Rescinds:** Executive Order No. 33 (Persian Gulf War Commission) dated November 10, 1993. All files, records, etc. shall be transferred to this successor Commission. **Effective:** immediately.

RESOLUTIONS FROM OTHER STATES

The following resolutions are received from another legislative body:

January 25, 1995 (See page 59)

July 25, 1994

Sylvia Morris Fink
2020 Legislative Building
Raleigh, North Carolina 27601-1096

Dear Secretary Fink,

Pursuant to adoption by the Illinois House of Representatives, I am enclosing for your attention the following House Resolution.

Additional copies of this resolution may be obtained by writing:

The Office of the Clerk
Room 115 State Capitol
Springfield, IL 62706

Any questions concerning the interpretation of this resolution should be directed to the House Sponsor. Transcripts of committee hearings and/or other debate relating to the House's action on this matter may also be available from the Clerk's Office.

Respectfully submitted,
S/Anthony D. Rossi
Clerk of the House

STATE OF ILLINOIS
EIGHTY-EIGHTH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

House Resolution No. 2540

Offered by Representatives Hoeft - Brady, Zickus, Pedersen, Wennlund, Stephens, Lindner, Weller, Skinner, Parke, Salvi and Mulligan

WHEREAS, The 10th Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people,"; and

WHEREAS, The 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, The scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, Today, in 1994, the states are demonstrably treated as agents of the federal government; and

WHEREAS, Numerous resolutions have been forwarded to the federal government by the Illinois General Assembly without any response or result from Congress or the federal government; and

WHEREAS, Many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

WHEREAS, The United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, A number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the State of Illinois hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution; and be it further

RESOLVED, That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and be it further

RESOLVED, That copies of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and to each member of the Illinois Congressional delegation.

Adopted by the House of Representatives on June 30, 1994.

S/Michael J. Madigan
Speaker of the House

S/Anthony D. Rossi
Clerk of the House

March 23, 1995 (See page 234)

COMMONWEALTH OF VIRGINIA
SENATE

March 21, 1995

The Honorable Sylvia Morris Fink
Principal Clerk of the Senate
2020 Legislative Building
Raleigh, North Carolina 27601-1096

Dear Sylvia:

As directed by the 1995 General Assembly, I am enclosing Senate Joint Resolution No. 279, memorializing the Congress of the United States to propose an amendment to Article V of the Constitution of the United States to provide for state-initiated amendments to the Constitution.

The Patron of this resolution is Senator Virgil H. Goode, Jr., 124 Orchard Avenue, Rocky Mount, Virginia 24151.

The resolution was agreed to by the Senate on February 20, 1995, and the House of Delegates on February 16, 1995.

With kind regards, I am

Sincerely yours,
S/Susan
Susan Clarke Schaar

SENATE JOINT RESOLUTION NO. 279

Memorializing the Congress of the United States to propose an amendment to Article V of the Constitution of the United States to provide for state-initiated amendments to the Constitution.

Agreed to by the Senate, February 20, 1995
Agreed to by the House of Delegates, February 16, 1995

WHEREAS, all thirty-three amendments proposed to the United States Constitution since 1788, including the twenty-seven amendments adopted, have been initiated by the Congress; and

WHEREAS, more than 400 petitions from the several states requesting a constitutional convention to propose amendments have been filed with Congress but have never resulted in the calling of a convention or adoption of an amendment; and

WHEREAS, there should be a careful balance of national and state power in a federal system, and the present mechanisms for the amendment of the Constitution have proven to be incapable of affording the proper balance between the national and state governments in their abilities to propose amendments to the Constitution; and

WHEREAS, the envisioned and desirable equipoise between national and state powers requires a means for the several states to be able to propose and adopt amendments to the Constitution; and

WHEREAS, the Commonwealth, in 1990, joined with other states to propose an amendment to the United States Constitution to enable three-fourths of the states to amend the Constitution subject to congressional veto and, in 1995, confirms its support for that proposal, 1990 House Joint Resolution No. 140; and

WHEREAS, it is proper that alternative proposals to address the issue of how best to restore the desired balance between the states and the national government should be considered; and

WHEREAS, the agreement by three-fourths of the legislatures of the several states to the same proposed amendment within a seven-year span should provide

assurance that a proposed amendment is the will of the people, and that agreement should result in the adoption of the proposed amendment without the necessity of action by the Congress; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly of Virginia request the Congress of the United States to propose an amendment to Article V of the Constitution of the United States which provides for state-initiated amendments to the Constitution. The amendment provides for the deletion of the language shown as stricken and the insertion of the italicized language, in essence, as follows:

ARTICLE V

AMENDMENT OF THE CONSTITUTION

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the applications of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; ~~Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that~~

In addition, whenever the legislatures of three fourths of the several states shall propose and adopt an identical amendment to this Constitution, related to but one subject, that amendment shall be valid as a part of this Constitution, without any action being required by the Congress, upon receipt by the Clerk of the Supreme Court of certified copies of that amendment from states which represent three fourths of the several states; provided that the Clerk receives such certified copies within a seven-year period beginning on the date he receives the first certified copy of the proposed amendment; and provided that each state shall retain the power to rescind its action to propose and adopt the amendment until the expiration of the seven-year period or the date of receipt by the Clerk of certified copies of the same amendment from three-fourths of the several states whichever first occurs.

Upon receipt from the first ten states of the identical proposed amendment, the Supreme Court shall within sixty days thereafter rule whether the amendment is, in fact, related to one subject only If the Supreme Court rules that the amendment is related to but one subject, or if the Supreme Court fails to rule on the issue within the sixty days, the amendment shall be conclusively presumed to meet the one-subject standard. If the Supreme Court rules that the amendment fails to meet the one-subject standard, the proposed amendment shall be invalid.

However, no state, without its consent, shall be deprived of its equal suffrage in the Senate.

and, be it

RESOLVED FURTHER, That the General Assembly request the legislatures of the several states to apply to Congress for the proposal of this amendment to the Constitution of the United States; and, be it

RESOLVED FINALLY, That the Clerk of the Senate transmit copies of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Archivist of the United States at the National Archives and Records Administration of the United States, the

members of the Virginia delegation to the United States Congress, and the legislatures of each of the several states, attesting the adoption of this resolution.

April 3, 1995 (See page 271)

(Seal)

OREGON STATE SENATE
JUDY HALL
SECRETARY OF THE SENATE

March 23, 1995

The Honorable Sylvia Morris Fink
Principal Clerk of the Senate
2020 Legislative Building
Raleigh, NC 27601

Dear Ms. Morris Fink:

Oregon's Sixty-eighth Legislative Assembly has adopted Senate Concurrent Resolution 3 which declares sovereignty of the State of Oregon over the Federal Government and instructs the Federal Government to cease and desist immediately all mandates outside the scope of its constitutionally delegated authority.

This authenticated copy of SCR 3 is transmitted to you as directed.

Respectfully,
S/Judy Hall
Secretary of the Senate

68th OREGON LEGISLATIVE ASSEMBLY-1995 Regular Session
Enrolled
Senate Concurrent Resolution 3

Sponsored by Senator JOHNSON, Representatives BAUM, HAYDEN, OAKLEY; Senators ADAMS, BAKER, DERFLER, DWYER, HANNON, KENNEMER, KINTIGH, LIM, MILLER, SHANNON, SMITH, STULL, TIMMS, WALDEN, YIH, Representatives ADAMS, BRIAN, CLARNO, CORCORAN, FISHER, GRISHAM, JOHNSON, LEWIS, LOKAN, LUKE, LUNDQUIST, MARKHAM, MEEK, MILNE, MONTGOMERY, NORRIS, PARKS, QUTUB, REPINE, SCHOON, SNODGRASS, STARR, STROBECK, TARNO, TIERNAN, VANLEEUWEN, WATT, WELLS, WELSH

To the President of the United States, the Speaker of the House of Representatives and the President of the Senate of the United States:

We, the Sixty-eighth Legislative Assembly of the State of Oregon, in legislative session assembled, respectfully declare as follows:

Whereas the Tenth Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectfully, or to the people"; and

Whereas the Tenth Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

Whereas the scope of power defined by the Tenth Amendment means that the Federal Government was created by the states specifically to be an agent of the states; and

Whereas today, in 1995, the states are in fact treated as agents of the Federal Government; and

Whereas we declare that all Oregonians, when they form a social compact, are equal in right, that all power is inherent in the people and all free governments are founded on their authority and instituted for their peace, safety and happiness and that they have at all times a right to alter, reform or abolish their government in such manner as they may think proper; and

Whereas memorials have been forwarded to the Federal Government by the Oregon Legislative Assembly without any response or result from Congress or the Federal Government; and

Whereas many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and

Whereas the United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas a number of proposals now pending from the present administration and from the previous Congress would further violate the United States Constitution; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) That the State of Oregon hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all other powers not otherwise enumerated and granted to the Federal Government by the United States Constitution.

(2) That the Federal Government, as our agent, is hereby instructed to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated power.

(3) That a copy of this resolution shall be sent to the President of the United States, the Speaker of the House of Representatives, the President of the Senate of the United States and each house of each state's legislature of the United States of America.

Adopted by Senate February 16, 1995
Readopted by Senate March 14, 1995
S/Judy Hall
Secretary of Senate

S/Gordon Smith
President of Senate

Adopted by House March 9, 1995
S/Beverly Clarno
Speaker of House

April 3, 1995 (See page 271)

STATE OF ARKANSAS
Arkansas Senate

ANN CORNWELL
Secretary of the Senate

General Assembly
Little Rock, Arkansas 72201

Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

March 24, 1995

Ms. Sylvia Morris Fink
Principal Clerk of the Senate
2020 Legislative Building
Raleigh, NC 27601-1096

Dear Sylvia:

As directed by the 1995 General Assembly, I am enclosing Senate Concurrent Resolution No. 2, declaring the sovereignty of the State of Arkansas under the 10th Amendment to the Constitution of the United States and petitioning Congress to cease and desist mandates that are beyond the scope of its Constitutionally-delegated powers.

The Patrons of this resolution are Senators Bill Walters, Peggy Jeffries, Gary D. Hunter, Fay W. Boozman, III, John E. Brown and Doyle Webb.

The resolution was agreed to by the Senate January 30, 1995, and by the House of Representatives on February 17, 1995.

With kind regards, I am

Sincerely yours,
S/Ann Cornwell

State of Arkansas
80th General Assembly
Regular Session, 1995 **S.C.R. 2**

By: Senators Walters, Jeffries, Hunter, Boozman, Brown, and Webb

SENATE CONCURRENT RESOLUTION

DECLARING THE SOVEREIGNTY OF THE STATE OF ARKANSAS UNDER THE 10TH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES AND PETITIONING CONGRESS TO CEASE AND DESIST MANDATES THAT ARE BEYOND THE SCOPE OF ITS CONSTITUTIONALLY-DELEGATED POWERS.

Subtitle

DECLARING THE SOVEREIGNTY OF THE STATE OF ARKANSAS UNDER THE 10TH AMENDMENT TO THE CONSTITUTION OF THE UNITED

STATES AND PETITIONING CONGRESS TO CEASE AND DESIST MANDATES THAT ARE BEYOND THE SCOPE OF ITS CONSTITUTIONALLY-DELEGATED POWERS.

WHEREAS, the 10th Amendment to the Constitution of the United States reads as follows:

> "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

WHEREAS, the 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, the scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, today the states are demonstrably treated as agents of the federal government; and

WHEREAS, numerous resolutions have been forwarded to the federal government by the Arkansas General Assembly without any response or result from Congress or the federal government; and

WHEREAS, many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

WHEREAS, the United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution;

NOW THEREFORE,
BE IT RESOLVED BY THE SENATE OF THE EIGHTIETH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

(1) That the State of Arkansas hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

(2) That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

BE IT FURTHER RESOLVED, that copies of this Resolution be sent by the Secretary of the Senate to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the presiding officers of each chamber of the legislatures of the several states, and Arkansas' Congressional Delegation.

S/Bill Walters
S/John E. Brown
S/Peggy Jeffries
S/Fay Boozman
S/Doyle Webb

April 20, 1995 (See page 364)

(SEAL)

JANE DEE HULL
Secretary of State

ANNE L. LYNCH
Assistant Secretary of State

SECRETARY OF STATE
State Capitol Executive Tower
Phoenix, Arizona 85007-2888
(602) 542-4285
Fax: (602) 542-1575

April 4, 1995

The President of the Senate
State Capitol
Raleigh, North Carolina 27611

Dear Mr. President:

The Forty-second Legislature of the State of Arizona has passed House Concurrent Resolution 2015 and filed it in our Office March 31, 1995. The language in this resolution stipulates that we send a copy of the Resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House of Representatives and the President of the Senate of each state's legislature of the United States of America, and the Arizona Congressional Delegation.

Please find enclosed a copy of House Concurrent Resolution 2015.

Sincerely,
S/Jane Dee Hull
Secretary of State

House Engrossed FILED
Jane Dee Hull
Secretary of State

State of Arizona

House of Representatives
Forty-second Legislature
First Regular Session
1995

HOUSE CONCURRENT RESOLUTION 2015
A CONCURRENT RESOLUTION

REGARDING THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND ASSERTING THE SOVEREIGNTY OF THE STATE OF ARIZONA.

Whereas, the Tenth Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

Whereas, today the states are demonstrably treated as agents of the federal government; and

Whereas, many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and

Whereas, the United States Supreme Court has ruled in New York v. United States, 112 S.Ct. 2409 (1992) that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution;

Therefore

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. That the State of Arizona hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

2. That this serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

3. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House of Representatives and the President of the Senate of each state's legislature of the United States of America, and the Arizona Congressional delegation.

PASSED BY THE HOUSE FEBRUARY 9, 1995 BY THE FOLLOWING VOTE: 42 AYES, 17 NAYS, 1 NOT VOTING.
PASSED BY THE SENATE MARCH 27, 1995 BY THE FOLLOWING VOTE: 25 AYES, 4 NAYS, 1 NOT VOTING.
FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 1995.

April 20, 1995 (See page 364)

Statutory Documents
P.O. Box 12887

(512)463-5654
FAX (512)463-0873
TDD (800)735-2989

(SEAL)

Antonio O. Garza, Jr.
Secretary of State
Austin, Texas 78711-2887

Office of the Secretary of State

April 13, 1995

The Honorable Dennis A. Wicker
President of the Senate
State Legis. Bldg., Rm. 2104
Raleigh, NC 27601

Dear Mr. President:

Please find enclosed an official copy of Senate Concurrent Resolution 24, as passed by the 74th Legislature, Regular Session, 1995, of the State of Texas.

The 74th Legislature of the State of Texas hereby petitions the Congress of the United States of America to propose to the states an amendment to the United States Constitution, protecting the American flag and 50 state flags from wilful desecration and exempting such desecration from constitutional construction as a First Amendment right.

The 74th Legislature of the State of Texas invites you to join with Texas in securing this amendment and restoring this nation's banners to their rightful status of treasurered reverence.

Sincerely,

S/Antonio O. Garza, Jr.
Secretary of State

(SEAL)

The State of Texas
Secretary of State

I, ANTONIO O. GARZA, JR., Secretary of State of the State of Texas, DO HEREBY CERTIFY that the attached is a TRUE AND CORRECT copy of Senate Concurrent Resolution 24, passed by the 74th Legislature, Regular Session, 1995, as signed by the Governor on March 9, 1995, and as filed in this office on March 9, 1995.

Date Issued: April 13, 1995

(SEAL) S/Antonio O. Garza, Jr.
Secretary of State

S.C.R. No. 24

SENATE CONCURRENT RESOLUTION

WHEREAS, The United States flag belongs to all Americans and ought not be desecrated by any one individual, even under principles of free expression, any more than we would allow desecration of the Declaration of Independence, Statue of Liberty, Lincoln Memorial, Yellowstone National Park, or any other common inheritance which the people of this land hold dear; and

WHEREAS, The United States Supreme Court, in contravention of this postulate, has by a narrow decision held to be a First Amendment freedom the license to destroy in protest this cherished symbol of our national heritage; and

WHEREAS, Whatever legal arguments may be offered to support this contention, the incineration or other mutilation of the flag of the United States of

America is repugnant to all those who have saluted it, paraded beneath it on the Fourth of July, been saluted by its half-mast configuration, or raised it inspirationally in remote corners of the globe where they have defended the ideals of which it is representative; and

WHEREAS, The members of the Legislature of the State of Texas, while respectful of dissenting political views, themselves dissent forcefully from the court decision, echoing the beliefs of all patriotic Americans that this flag is OUR flag and not a private property subject to a private prerogative to maim or despoil in the passion of individual protest; and

WHEREAS, As stated by Chief Justice William Rehnquist, writing for three of the four justices who comprised the minority in the case, "Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution, or flag burning"; and

WHEREAS, This legislature concurs with the court minority that the Stars and Stripes is deserving of a unique sanctity, free to wave in perpetuity over the spacious skies where our bald eagles fly, the fruited plain above which our mountain majesties soar, and the venerable heights to which our melting pot of peoples and their posterity aspire; now, therefore be it

RESOLVED, That the 74th Legislature of the State of Texas hereby petition the Congress of the United States of America to propose to the states an amendment to the United States Constitution, protecting the American flag and 50 state flags from wilful desecration and exempting such desecration from constitutional construction as a First Amendment right; and, be it further

RESOLVED, That official copies of this resolution be prepared and forwarded by the Texas secretary of state to the speaker of the house of representatives and president of the senate of the United States Congress and to all members of the Texas delegation to that congress, with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States; and, be it further

RESOLVED, That a copy of the resolution be prepared and forwarded also to President Bill Clinton, asking that he lend his support to the proposal and adoption of a flag-protection constitutional amendment; and, be it finally

RESOLVED, That official copies likewise be sent to the presiding officers of the legislatures of the several states, inviting them to join with Texas to secure this amendment and to restore this nation's banners to their rightful status of treasured reverence.

S/Bob Bullock
President of the Senate

S/Peter Laney
Speaker of the House

I hereby certify that S.C.R. No. 24 was adopted by the Senate on February 23, 1995.

S/Betty King
Secretary of the Senate

I hereby certify that S.C.R. No. 24 was adopted by the House on February 23, 1995.

S/Cynthia Gerhardt
Chief Clerk of the House

Approved:

3-9-95
(Date)

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:44 P.M. O'CLOCK
March 09 1995

S/George Bush
Governor

S/Antonio O. Garza, Jr.
Secretary of State

May 1, 1995 (See page 417)

SECRETARY OF STATE
State Capitol Executive Tower
Phoenix, Arizona 85007-2888
(602) 542-4285
Fax: (602) 542-1575

April 21, 1995

The President of the Senate
State Capitol
Raleigh, North Carolina 27611

Dear Mr. President:

The Forty-second Legislature of the State of Arizona has passed Senate Concurrent Resolution 1006 and filed it in our Office April 13, 1995. The language in this Resolution stipulates that we send a certified copy of the Resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, Speaker of the House of Representatives of the legislature in each of the other states in the Union, and each member of the Congress of the United States.

Please find enclosed a certified copy of Senate Concurrent Resolution 1006.

Sincerely,
S/Jane Dee Hull
Secretary of State

STATE OF ARIZONA (SEAL)
Department of State

UNITED STATES OF AMERICA)
) ss
STATE OF ARIZONA)

I, Jane Dee Hull, Secretary of State, do hereby certify that
THE ATTACHED DOCUMENT IS A TRUE, CORRECT, AND COMPLETE COPY OF SENATE CONCURRENT RESOLUTION 1006 OF THE FORTY-SECOND LEGISLATURE, FIRST REGULAR SESSION, 1995; THAT I AM

THE OFFICIAL OF THE STATE OF ARIZONA HAVING CUSTORY AND CONTROL OF THE ORIGINAL OF SAID COPY AND AM THE LEGAL KEEPER THEREOF.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Arizona. Done at Phoenix, the capital, this 21st day of April, 1995.

(SEAL)

S/Jane Dee Hull
Secretary of State

House Engrossed Senate Bill
FILED

State of Arizona
Senate
Forty-second Legislature
First Regular Session
1995

Jane Dee Hull
Secretary of State

SENATE CONCURRENT RESOLUTION 1006
A CONCURRENT RESOLUTION
ADOPTING A DECLARATION OF SOVEREIGNTY.

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. The following Declaration of Sovereignty is adopted:

Section I.

A. We, the legislature of the State of Arizona, hereby reaffirm the sovereignty of the states and of the people.

B. More than two centuries ago, the sovereign states, representing the sovereign people did, of their own volition, ratify the Constitution of the United States. In so doing, the states, in concerted action, established the federal government to perform certain limited and enumerated functions. Under the Tenth Amendment of the Constitution of the United States, the powers not delegated to the federal government were "reserved to the states respectively, or to the people."

Section II.

A. Throughout the history of the United States, and especially in recent decades, the federal government has, without right, blatantly disregarded state sovereignty by arrogating unto itself powers that were to have been reserved to the states and to the people.

(1.) It has conscripted states and their subordinate levels of government to implement its programs through federal mandates, funded and unfunded;

(2.) It has requisitioned officers of states and their subordinate levels of government to perform duties on its behalf, bypassing state constitutional and legislative processes;

(3.) It has, as a result of expanding power, imprudently increased spending, increased taxation and increased regulation, which have, in consequence, reduced economic growth by unnecessarily discouraging investment and job creation;

(4.) It has, through deficit spending and other actions, created massive federal obligations that threaten the living standards of the people, the solvency of the states and the future of generations yet unborn;

(5.) It has, by centralizing power in Washington, D.C., created a "democratic deficit," a condition under which the federal government has assumed control over functions of government that should have been reserved to state and local governments, making effective control of government more difficult for the people;

(6.) It has, through unwarranted judicial intervention, interposed itself between the states and the people on matters not of federal jurisdiction;

(7.) It has, through imprudent judicial review, systematically expanded the power of Congress and the Executive by usurping powers that were not intended under the Constitution of the United States;

(8.) It has evaded the restraints of the nation's fundamental law, the Constitution of the United States, and has in so doing engaged in the imposition of arbitrary laws, administrative actions and judicial decisions.

B. Through these actions, the federal government has usurped the sovereignty of the states. And, through these actions, the federal government has usurped the sovereignty of the people.

Section III.

A. We declare that the federal government cannot, on its own, legitimately diminish the sovereignty of the states and of the people as intended under the Constitution of the United States.

B. The fundamental law of the nation may only be altered in the manners prescribed by that fundamental law. We are convinced that the policy failures that have accompanied expanded central authority provide, in themselves, powerful testimony to the importance of limiting the federal government to those powers enumerated in the Constitution of the United States. To correct these failures and to secure a more favorable future for the nation, it is necessary that the powers expropriated by the federal government be returned to the states and to the people.

Section IV.

We therefore declare the following principles as necessary to the restoration of the sovereignty of the states and of the people, as required under the 10th Amendment of the Constitution of the United States:

(1.) The federal government should be restored to the role assigned to it under the Constitution of the United States. The powers usurped from the states and from the people by the federal government should be returned in an expeditious and orderly manner. Mechanisms exist for interstate cooperation where necessary, such as interstate compacts and voluntary uniform standards.

(2.) Constitutional clauses that have been the source of illegitimate federal expansion should be restored to their original meaning. Federal expansion has often been based upon unreasonably permissive interpretations of enumerated powers under the Constitution of the United States, especially the "commerce" clause.

(3.) The federal government should not impose mandates, unfunded or funded, on the states or on their subordinate governments. The Constitution of the United States delineates federal responsibilities and reserves all other responsibilities to the states or to the people. Federal mandates on state or local governments are unnecessary and inappropriate.

(4.) The federal government should be the exclusive financier of its programs. By partially funding federal programs, such as through matching grants, the federal government distorts the priorities of state and local governments, and establishes a democratic deficit that virtually disenfranchises state and local voters. The federal

government has a legal obligation to fully fund its programs, and should neither require nor entice state or local governments to participate in the funding of federal programs.

(5.) All federal government relationships with local governments should be through the states. All governments in the United States are the creation of the states, which are the creation of the people. One government, the federal government, was created in concert by the states. All other governments are the creation of, and subordinate to the states respectively. Direct federal government-local government relationships are inappropriate, except to the extent specifically authorized by the constitution or laws of a particular state.

(6.) The federal government should not assign federal responsibilities to officers of state or local governments. Various federal laws designate state or local government officers to perform federal functions. The federal government should enlist state officers or departments to assist it in the performance of its duties only when specifically authorized by the constitution or laws of a particular state.

(7.) The federal government's treaty making power should be limited to powers that are clearly within the federal scope of responsibility. The states have delegated treaty making powers only with respect to those areas of authority that have been delegated to the federal government.

(8.) Congress should not act to displace state and local police power — and the courts should not permit such displacement — except where the Constitution authorizes. Congress has preempted entire areas of regulation that have traditionally been matters of state and local police power. In addition, the federal courts have improperly condoned these congressional assaults on local governance, under the doctrine of implied preemption, the so-called "dormant" commerce clause and other constitutional provisions.

Section V.

In support of these principles, we commit ourselves to the pursuit of such remedies as may be necessary to restore the sovereignty of the states and of the people, by:

(1.) Legal actions to challenge the illegitimate exercise of federal power;

(2.) Repeals of laws by which federal power had been illegitimately expanded;

(3.) Such other actions as may be appropriate.

2. That the Secretary of State of the State of Arizona transmit a certified copy of this Resolution to:

(a) The President of the United States.

(b) The President of the United States Senate.

(c) The Speaker of the United States House of Representatives.

(d) Each Member of the Congress of the United States.

(e) The presiding officer of each legislative house of each other state in the United Sates.

PASSED THE HOUSE APRIL 16, 1995 BY THE FOLLOWING VOTE; 40 AYES, 19 NAYS, 1 NOT VOTING.

PASSED THE SENATE MARCH 2, 1995, BY THE FOLLOWING VOTE; 22 AYES, 7 nays, 1 NOT VOTING.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 1995.

May 15, 1995 (See page 562)

Ron Thornburgh (SEAL) 2nd Floor, State Capitol
Secretary of State 300 S.W. 10th Ave.
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

MEMORANDUM

To: Secretary of State
From: Brad Bryant, Elections Division
Deputy Assistant Secretary of State
Date: May 3, 1995
RE: Concurrent Resolutions

Kansas House Concurrent Resolution 5008 is a concurrent resolution stating that Kansas claims sovereignty under the 10th amendment to the Constitution of the United States, and this resolution serves as notice and demand to the federal government to cease and desist mandates that are beyond the scope of its constitutionally delegated powers.

My office is directed by this resolution to send the presiding officer of each house of each state legislature enrolled copies of the resolution. Please forward the enclosed copies to the appropriate officers.

Thank you for your assistance in this matter.

HOUSE CONCURRENT RESOLUTION No. 5008

A CONCURRENT RESOLUTION memorializing Congress to cease imposing mandates on the states which are beyond the scope of Congress' constitutionally delegated powers under the 10th amendment to the Constitution of the United States.

WHEREAS, The 10th amendment to the Constitution of the United States provides that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

WHEREAS, The 10th amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, The scope of power defined by the 10th amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, Today, in 1995, the states are demonstrably treated as agents of the federal government; and

WHEREAS, Numerous resolutions have been forwarded to the federal government by the Kansas legislature without any response or result from Congress or the federal government; and

WHEREAS, Many federal mandates are directly in violation of the 10th amendment to the Constitution of the United States; and

WHEREAS, The United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, A number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:

(1) That the state of Kansas hereby claims sovereignty under the 10th amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution; and

(2) That this resolution serves as notice and demand to the federal government, as the agent of this state, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and

Be it further resolved: That the Secretary of State be directed to send copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, each member of the Kansas congressional delegation, the Speaker of the House of Representatives and the President of the Senate, or comparable elective officers, of each state legislature of the United States.

I hereby certify that the above CONCURRENT RESOLUTION originated in the HOUSE, and was adopted by that body February 9, 1995,

S/Tim Shallenburger
Speaker of the House.

S/Janet E. Jones
Chief Clerk of the House.

Adopted by the SENATE April 29, 1995

S/Paul E. Burke, Jr.
President of the Senate.

S/Pat Saville
Secretary of the Senate.

June 19, 1995 (See page 756)

STATE OF ALABAMA
HOUSE OF REPRESENTATIVES
Montgomery, Alabama

RESOLUTION
HJR 72

By Representative Knight (A)

RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA

WHEREAS, the 10th Amendment of the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

WHEREAS, the 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, the scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, today, in 1995, the states are demonstrably treated as agents of the federal government; and

WHEREAS, numerous resolutions have been forwarded to the federal government by various states without any response or result from Congress or the federal government; and

WHEREAS, many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

WHEREAS, the United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the state; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama hereby claims sovereignty under the 10th Amendment of the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

BE IT FURTHER RESOLVED, That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

RESOLVED FURTHER, That copies of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's Legislature of the United States of America, and Alabama's Congressional Delegation.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and have caused the GREAT SEAL of the State of Alabama to be affixed by the Secretary of State at theCapitol in the City of Montgomery on this the 2nd day of June, 1995.

S/Fob James, Jr.
GOVERNOR

S/Jim Bennett
Secretary of State

July 27, 1995 (See Page 1130)

JANICE L. THOMAS (SEAL)
Secretary of the Senate

Legislative Building:
401 S. Carson Street
Carson City, Nevada 89710
Office: (702) 687-5742
Fax No.: (702) 687-8206

STATE OF NEVADA
SENATE

MEMORANDUM

DATE: July 21, 1995

TO: All State Senate Presidents
All State Senate Majority Leaders
All State Senate Minority Leaders
All State Speakers of the House
All State House Majority Leaders
All State House Minority Leaders

FROM: Janice L. Thomas
Secretary of the Senate

SUBJECT: **NEVADA SENATE JOINT RESOLUTION NO. 2**

Pursuant to legislative direction, enclosed is a copy of Senate Joint Resolution No. 2, passed by the Nevada Senate on March 8, 1995 and the Nevada Assembly on April 20, 1995.

Senate Joint Resolution No. 2—Senators Raggio, O'Connell, Augustine, Coffin, Jacobsen, James, Lowden, Mathews, McGinness, Neal, O'Donnell, Porter, Regan, Rhoads, Shaffer, Titus, Townsend and Washington

FILE NUMBER.....

SENATE JOINT RESOLUTION—Urging Congress to propose and submit to the several states an amendment to the Constitution of the United States providing that the federal courts do not have the power to levy or increase taxes.

WHEREAS, The United States Supreme Court, in Missouri v. Jenkins, 110 Sup. Ct. 1651 (1990), extended the power of the judicial branch of government by holding that a federal court has the power to order an increase in state and local taxes; and

WHEREAS, This unprecedented decision violates one of the fundamental tenets of the doctrine of separation of powers, that the members of the federal judiciary should not have the power to tax; and

WHEREAS, In response to this decision, several members of Congress have introduced a proposal to amend the Constitution of the United States to re-establish the principle that the judiciary does not have the power to tax; and

WHEREAS, In addition to being introduced in Congress such a constitutional amendment has also been proposed by several states; and

WHEREAS, The passage of such a constitutional amendment, first by a two-thirds majority in both houses of Congress and then by three-fourths of the several states' legislatures or conventions, would serve to reverse an erroneous decision; and

WHEREAS, The proposed amendment to the Constitution of the United States properly seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby urges Congress to propose and submit to the several states for ratification an amendment to the Constitution of the United States, providing that neither the Supreme Court of the United States nor any inferior court of the United States has the power to instruct or order a state or political subdivision thereof, or an officer of a state or political subdivision, to levy or increase taxes; and be it further

RESOLVED, That the Nevada Legislature calls upon the Nevada Congressional Delegation to use immediately the full measure of their resources and influence to ensure the passage of the amendment to the Constitution of the United States; and be it further

RESOLVED, That the Nevada Legislature urges the legislatures of each of the several states comprising the United States which have not yet made similar requests to urge Congress to propose and submit to the several states for ratification an amendment to the Constitution of the United States; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, and the presiding officer and minority party leader in each house of the legislatures of each state in the Union; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

1995

January 25, 1995 (See page 5)

THE UNIVERSITY OF NORTH CAROLINA CLEF HANGERS MEMBERS PERFORMING AT THE CONVENING OF THE 141st GENENAL ASSEMBLY

Jason Allbert	Bass	Cary
Eric Bryant	Tenor III	Fayetteville
Pete Caggia	Tenor II	Freeport
Alexander Elkin	Bass	Chapel Hill
Timothy Fiscus	Tenor II	Mentor, Ohio
Chad Helton	Tenor I	Advance
Brad King	Baritone	Wake Forest
Jason Lusk	Tenor I	King
Mark Nicholson	Baritone	Whiteville
Gregory Poarch	Tenor I	Lenoir
Greg Smith	Bass	Wilmington
Jake Spencer	Bass	Faison
David Speranadio	Baritone	Cary
D. Scott Triplett	Tenor I	Elkin

Founded in 1977, the UNC Clef Hangers are Carolina's oldest and most successful *a cappella* singing group. Comprised of fourteen male undergraduates, the Clef Hangers perform frequently on campus and across the state. They have been spotted performing up and down the Atlantic Seaboard from Boston and New York to Miami, combining comic skits with a diverse musical repertoire. The Clef Hangers are always striving to have fun while entertaining their audiences, and have in the past performed for large corporations, numerous other universities, campus groups, resort hotels, private parties, individuals and charity events, just to name a few.

In the spring of 1991, the Clefs completed production of a new "Carolina Album" entitled *Sounds of Carolina*. This album is comprised solely of Carolina Songs, including such favorites as "Carolina Girls," "Tar Heels on Hand," "Carolina in my Mind," and "Hark the Sound." Produced as a joint venture with the UNC General Alumni Association, a portion of all sales go into a need-based scholarship fund for incoming students.

The Clef Hangers' most recent accomplishment, *No Ninths Allowed*, is their seventh album. Recorded and released just last year, each of the seventeen songs on the album was either arranged by a group member or specifically for the group.

January 25, 1995 (See page 5)

MEMBERS OF THE HAVELOCK NAVAL JUNIOR RESERVE OFFICER TRAINING CORPS PARTICIPATING IN THE OPENING OF THE 141ST GENERAL ASSEMBLY

Our colors are being presented today by the Havelock High School Naval Junior Reserve Officer Training Corps. Today's Color Guard is led by Cadet Michelle Godette. Team members include Cadets Karan Godette, Thurman Godette, Augie Malson, William Parry and Milo Warner.

The Naval Junior Reserve Officer Training Corps is a recent addition to the Craven County School System. Although the program has been in existence nationally for more than thirty years, we are fortunate in Craven County, to have recently started two of these programs. The other program is being taught at New Bern High School. Both programs are in their second year at these schools and both have enjoyed tremendous success.

The program offers students hands on opportunities in leadership, team work, and citizenship. Students gain confidence in their abilities through participation in this dynamic program that includes a challenging academic curriculum. In addition to physical training and military drill, the four year high school curriculum offers courses in Naval Orientation, Naval History, Navigation and Seamanship, Oceanography, Meteorology, Electronics, Astronomy, Marksmanship, and Orienteering. The successful completion of each course counts as one elective credit.

Students incur no military obligation in taking these courses. However, if they do decide to enter the military upon graduation from high school, they may enter at a higher rate (E-2 or E-3) depending on the number of courses satisfactorily completed.

Students who go on to college are eligible for appointments to the United States Naval Academy, or ROTC scholarships offered at various universities. Last year, cadets from New Bern and Havelock High Schools received appointments to the

United States Naval Academy, the United States Coast Guard Academy, ROTC and Chancellor's Scholarships.

This program serves as an outstanding example of the positive direction being taken today in our public school systems in North Carolina.

S/Ben Bunn
Commander

January 25, 1995 (see page 60)

NORTH CAROLINA MEDICAL SOCIETY
PO Box 27167, Raleigh, NC 27611
222 N. Person Street, Raleigh, NC 27601
(919) 833-3836 - (800) 722-1350 - Fax (919) 833-2023

January 16, 1995

Mr. George R. Hall, Jr.
Legislative Services Officer
2129 Legislative Building
Raleigh, NC 27611

Dear Mr. Hall:

The North Carolina Medical Society is again pleased to offer the services of a physician during the legislative session to members of the General Assembly, their staff and visitors.

We appreciate your continuing to make the facilities of the First Aid Room available to us and we are grateful for the many courtesies you have extended to those physicians who have served as "Doctor of the Day" since the program's inception in 1981.

Thank you for allowing us to provide this service to the North Carolina General Assembly. We look forward to working with you during the 1995 session and welcome any suggestions you may have as to how we may best serve your needs.

Sincerely,
S/Steve Keene
Director, Government Affairs

The following physicians serving were not present in the Chamber for recognition.

February 23, 1995
Croskery, M.D., Richard W.

February 28, 1995
Johnson, M.D., David S.

June 1, 1995
Hedrick, M.D., William

June 7, 1995
Langley, M.D., John R.

March 23, 1995
Terrell, M.D., Grace E.

April 5, 1995
Darden, M.D., James Lee

June 12, 1995
Teasley, M.D., Myra L.

July 17, 1995
Wright, M.D., Paul H.

February 9, 1995 (See page 108)

GOVERNOR JAMES B. HUNT, JR.
STATE-OF-THE-STATE ADDRESS
February 9, 1995

"Mr. President, Mr. Speaker, Mr. President *Pro Tem*, Members of the Council of State, Justices of the Supreme Court, Judges of the Court of Appeals, Members of the Cabinet, Members of the North Carolina General Assembly.

"I want to begin by introducing some people who are sitting in the galleries with the First Lady—you can hear some of them.

"You won't recognize their names. They aren't famous. They haven't been in the news.

"But they are the most important people here today.

"They are citizens of North Carolina. They are the taxpayers. They are the reason we are here.

"First is Pamela Cross and her boys, Jacob and Steve from Charlotte. Pamela works for an insurance company in Charlotte.

"Next are Brent and Sheila Gerald from Greensboro. He's a firefighter, and she's at home with their daughter, Alexandria, in the red dress.

"Then there are George and Evelyn Schnupp, who retired to New Bern after running a marina and boat yard in New York.

"And then there is the Williams family—Franklin and Jo Ann, with their daughters Laura Jane and Mary Elizabeth. Franklin is a farmer in Duplin County, and Jo Ann works as a home economics extension agent.

"Then there's a wonderful North Carolinian. Jessie Copeland is a 71-year-old great-grandmother here in Raleigh who's working to make Chavis Heights a place where children can be safe.

"And then there are the Bartolos. Staff Sgt. Bartolo is stationed at Fort Bragg, and his wife Petra, who used to be in the military, is working toward her college degree and caring for their sons, Anthony and Nicholas.

"Let's welcome these families to their State capital.

"I introduce these people to make a point.

"For the last three months, election day has been the issue for most of us in this Chamber. We care a lot about what happened and why and what it means and what this Session is going to be like.

"But these people care a lot more about their families and their future than they do about our politics. They care about their jobs, the safety of their families and the education of their children.

"And that's, folks, what we should care about this year.

"Our job is to put these people first—and our politics last.

"Our job is to move beyond campaign rhetoric and partisan turf-fighting.

"Our job is to find common ground here where we can discuss important issues on their merit, where we listen to each other and learn from each other.

"You and I may never get another chance like this one to build a better future for North Carolina.

"Let's make up our minds today that we're going to do what's right for these people and all the people of North Carolina. (applause)

"Now, we're building a better future in North Carolina today because of what the General Assembly did in the last two years, Democrats and Republicans together:

- tough laws against crime and smart programs to prevent crime,
- an aggressive economic development strategy,
- smaller classes, better teaching and higher standards in the public schools and better early childhood education,
- a bond issue that is building new libraries and classrooms and labs and other facilities at our universities and community colleges.

"And, folks, all of that was done without raising taxes. (applause)

"Democrats and Republicans built that foundation.

"This year let's work together to build a better future.

"Let's make this a productive Session. Let's concentrate on doing three things:

"First, cut taxes.

"Second, fight crime.

"Third—and most important—help the children of North Carolina. (applause)

Taxes

"We should cut taxes because it is the right thing to do.

"It is the right thing for our economy. It is the right thing for the record number of men and women who have jobs in this State today. And it is the right thing for their children.

"So let's give the most tax relief to the hard-working families of our State who deserve it most. (applause)

"I have proposed a $483 million tax cut. Three-fourths of it would go to families like these, because working families raising children need the most help.

"We should raise the personal exemption for every member of a household by $500. We should create a tax credit of $50 per child. And we should remember that these families need the money.

"The Geralds need the money—they want to put their tax savings toward Alexandria's college education. Pamela Cross needs the money; she needs it for food and clothing for her boys, and maybe a few extras like a baseball glove or karate lessons.

"We should also make tax cuts that will build our economy and build our children's economic future.

"North Carolina's already one of the best places in the country to live and do business. This year we can make it even more attractive and more competitive.

"We should repeal the intangibles tax on stocks and bonds, so George and Evelyn Schnupp can have a little more in their retirement years. We should reduce the corporate income tax, and we ought to pass it this year so we can use it right now to recruit business and jobs to North Carolina. (applause)

"Now, this is a big tax cut—nearly half a billion dollars.

"It'll require tough choices and new priorities. And it must be done with the help and involvement and participation of State employees, who care just as much as we do about giving taxpayers their money's worth.

"It won't be easy.

"But we can do it, because State government can get by with less.

"And we ought to do it, because these families and their children deserve it. (applause)

Crime

"We should continue our efforts to fight crime because it is the right thing to do.

"It is the right thing for the law-abiding people who are the backbone of our State. And it is the right thing to do for their children.

"Children can't learn in schools that aren't safe. Families can't live in neighborhoods that aren't safe. Our State won't ever be safe if more and more young people get involved in drugs and crime.

"Even in small towns like Wallace, crime is a problem. Franklin and Jo Ann Williams know that. Franklin is the treasurer at his church. Last summer, thieves broke into their house and stole the church collections. The Williams weren't home at the time, so they weren't hurt. But a lot of victims aren't that lucky.

"We need to do a lot more to help keep our communities safe—in Duplin County and all over North Carolina.

"I believe fighting crime starts with tougher sentences for violent criminals. When a dangerous criminal is locked up behind bars, every North Carolinian is safer. (applause)

"So we should pass longer sentences for violent crimes, like second-degree murder, rape, armed robbery and other felonies. I will propose increasing these sentences for those crimes by thirty percent.

"We need to build more prisons, and find faster and cheaper ways to do it. My budget will propose more than 2,000 more prison beds over the next two years, part of a plan to build more than 4,000 new beds in four years.

"We need to put more prisoners to work in North Carolina.

"We need to repeal the prison cap.

"We should pass a victims rights amendment to our State Constitution if because criminals have rights, victims of crime should have rights in North Carolina, and I urge you to pass that.

"We should pass a law requiring registration of sex offenders in North Carolina and notifying communities where they live. Families have a right to know when dangerous sex offenders move in right next door or down the street.

"We need to make all our communities safer, and public housing communities need special efforts. They need more police officers and tougher laws to evict those who put their neighbors in danger.

"Jessie Copeland knows how important it is to get guns and drugs and dangerous people out of public housing.

"She has helped hundreds of young people stay out of crime, and more of us need to get involved in that. All of us—not just government—need to do more to prevent crime and keep a better eye on our children.

"That's what the SOS program is all about. That's what a lot of these people are about. They've been volunteering in their schools and in their churches. They've worked as Big Buddies and Big Sisters and mentors to troubled youth. This year, I've started volunteering in a Wake County SOS program, working with a young man here in Raleigh.

"I'm not proposing more tax dollars for this. But I am saying that we need more people and more volunteer time devoted to our children.

Children

"Fighting crime will build a safer North Carolina. Cutting taxes will build a stronger economy and stronger families. We can do and should do more to build our future here in North Carolina.

"We have to build up our children so they will be healthy and smart and productive and law-abiding citizens in the twenty-first century.

"That means we have to make fundamental changes in our public schools so North Carolina's graduates will compete and succeed in the modern economy.

"We need to do five things to make our schools better. Some will take legislation, and some of them can be done by the State Board of Education and the Department of Public Instruction. All will take hard work in every single school in this State.

"First, we must restore discipline and make our schools safe places to learn and teach. (applause) And I want to do that, too.

"That means more support for principals and teachers to keep schools safe. More school resource officers on campuses. It means zero tolerance for guns, drugs and weapons. And zero tolerance for students who put others in danger in our schools. We're going to stop it in North Carolina!!! (applause)

"We should automatically expel those students—for up to a full year. But don't put them on the streets. Put them in alternative schools or even in education boot camps (applause) where they learn to read and write and do math—and do what they're told.

"Second, we must give teachers the tools they need to do their jobs. Next to parents, teachers are the most important influence on children.

"Teachers need better pay. They need better training. They need more time for planning. And they need more voice in how schools are run. Folks, and I want it to be (inaudible) if we want good schools in North Carolina, we've got to have good teachers. (applause)

"Third, we must go back to basics—emphasizing reading, writing and math.

"It's most important to do this in the early years, and smaller class size can help us do it.

"Burke County has shown what can happen to test scores when class size is cut dramatically. And we can do that all across North Carolina.

"Last year you in the Legislature cut class size in kindergarten down to twenty-three students. This year we should do the same in the first grade, and we should give schools the flexibility, local flexibility, to cut class size even more dramatically.

"If we let them, local schools can have one teacher for every seventeen children in kindergarten through third grade. And folks, then we'll really see progress in North Carolina's schools. (applause) Let's do that this year.

"Fourth, we must set higher standards for what our students should know and be able to do, so they graduate with the skills they need to be good workers and to be good citizens.

"Fifth, we must improve job training—especially for the many young people who go straight from school to work. Schools and businesses must join together in new partnerships to help us do that.

"To make these changes in our schools, we need more support for principals and teachers. We need more involvement by parents. And my budget will propose shifting millions of dollars from administration to local schools, because we need to spend less money in bureaucracy and more in the classrooms of North Carolina. (applause)

"We must build a better education system, and we must help build stronger families.

"That's why we need to scrap the present welfare system, and replace it with a system that works. A system that puts people to work; requires personal responsibility; and protects children from poverty.

"We must teach children and teenagers what it takes to be a good parent and why they ought to wait until they're ready to take on those responsibilities.

"We must go after deadbeat dads and moms. I ask you to pass a tough child support enforcement law.

"We owe it to single mothers to see that fathers meet their obligations. And I want us to do whatever it takes. We'll take away their driver's licenses, their hunting and fishing licenses, their professional and business licenses. We'll track them down in ways they never dreamed of. Let's put their faces on wanted posters. We are going to see that parents support their children in North Carolina. (applause)

"Building stronger families is critically important. But there is more that we can do.

"We can do more for children in those vital early years before they start to school.

"When I gave my inaugural speech two years ago, I said that if we want to change North Carolina we have to start earlier.

"We're doing that now. We're doing it because of 'Smart Start,' and we need to do more of it.

"The Bartolos can tell you what 'Smart Start' is doing. They were worried about Nicky because at age two, almost three, he wouldn't talk or play or respond the way other children do.

"Three months ago, they found out about a 'Smart Start' program in Fayetteville that helps children like theirs.

"The other day, I got a letter from Sgt. Bartolo. He said in it that Nicky has 'really blossomed.' It was a wonderful letter. And he ended his letter with this:

> I see Nicholas developing more and more every day. The 'Smart Start' program at Dorothy Spainhour is responsible for these developments. Nicholas is now going to have a chance to develop like other children his age. I am deeply indebted to Nicholas' teachers and the 'Smart Start' program, which has allowed the funding for this to occur. Where we have tried, 'Smart Start' has succeeded. Our heartfelt thanks.

"That's just one story. There are thousands more.

"Because of 'Smart Start,' people across North Carolina are working together to see that children get preventive health care and immunizations and vision screening and hearing checkups.

"Because of 'Smart Start,' people are working together to see that there's good day care for every family that needs it.

"Because of 'Smart Start,' business leaders and ministers and parents and teachers and elected officials and community leaders are working together. Doctors and dentists are giving their services to children.

"People who never talked to each other before are working together.

"Democrats and Republicans are working together.

"Even Jim Hunt and Dave Flaherty are working together—because of 'Smart Start.' (Laughter)

"Over the last twenty years, we've been on opposite sides in a lot of political battles. This year, we're on the same side—because of 'Smart Start.'

"Let me tell you what Dave told the nation's governors about 'Smart Start' last month:

> This is the kind of approach that requires a new way of thinking and a new way of working. It requires new partnerships—between public and private sectors, between community interests, between political parties. It requires us to make changes in how we do things, so we can make changes for our children.

"That's what **we** have to do this year; make changes in how we do things, so we can make changes for our children.

"That's what 'Smart Start' is about. It's not about Raleigh telling people what to do with a lot of rules and regulations. It's people deciding what to do in their communities and working together to do it.

"'Smart Start' is helping children grow up healthy and able to learn. It's making schools better, making our State safer and making the economy stronger. It's building our future.

"That's why I'm going to ask this Legislature to keep 'Smart Start' working in the thirty-two counties where it's working today.

"And that's why I'm going to ask you to expand it to twenty-four more counties over the next two years. (applause)

"As Dave Flaherty said, 'Smart Start' is a new way of doing things. And we need new ways of doing things.

"New ways of building our economy and helping working people.

"New ways of protecting against crime.

"New ways of educating children and giving them a good start in life.

"New ways of government working together with the private sector, with the nonprofit sector, with communities and with people.

"We need a new approach for a new century.

"This is a time of great change. You can look around this Chamber and see that. (applause)

"The people of North Carolina certainly aren't afraid of change. Now they want to know if we can change.

"They want to know if we can put aside partisanship and politics.

"They want to know if we can work together to build a better State and a better future for our children.

"They're doing it. They're working together across North Carolina. And we can do it, too.

"Let's resolve to do it this year, Democrats and Republicans together.

"Let's join hands to build a better State—Democrats and Republicans together.

"Let's build a better future—Democrats and Republicans together—for these families and for all North Carolinians."

(The Members of the General Assembly respond with a standing ovation.)

March 21, 1995 (See page 223)

STATE-OF-THE-JUDICIARY
CHIEF JUSTICE BURLEY B. MITCHELL, JR.

"President Wicker, Speaker Brubaker, President *Pro Tempore* Basnight, Speaker *Pro Tempore* Russell, Senators and Representatives, my fellow Justices and Judges, ladies and gentlemen.

"I thank you for continuing this important tradition of inviting the Chief Justice to address you on the state of the judicial branch and its needs. Regardless of the words spoken, my address here today serves to symbolize both the constitutional independence of the legislative and judicial branches of our government and their practical interrelationship.

"Even though my tenure as Chief Justice is measured in weeks instead of years, I have quickly learned the magnitude of the increased responsibility I have assumed. After spending a quarter of a century as an elected district attorney, judge, or justice, I have come to the position of Chief Justice with some understanding of the importance and extent of the duties of our judges, prosecutors, and clerks of court. I quite frankly was not aware, however, of the breadth and scope of the various programs not traditionally viewed as court functions which the General Assembly has assigned to the judicial branch in recent years. Since becoming Chief Justice in January, I have had to attempt to learn quickly about all of the problems and challenges facing the judicial Branch.

DEMANDS OF THE PUBLIC

"Like each of you, I have heard clearly the outcry of our citizens against crime and their frustrations with government's seeming inability to deal with it effectively. People are afraid for themselves and their families, and they have a right to be. Victims justifiably feel abused and ignored when they are not kept informed as to what is going on with the cases in which they are involved. Witnesses justifiably feel mistreated when they are brought to court several times, only to see cases in which they are to testify continued without any apparent consideration being given to their schedules and needs. As I assume the duties of the Office of Chief Justice, it becomes my responsibility to attempt to lead the judicial branch to begin to address these problems.

"It is crucial that the courts be responsive to the public's frustrations and fears. But it is equally important that we be honest with the public about the real limits of the power of the courts. Courts are neither the cause of nor the solution to most of society's problems. The work of our criminal courts, both in its makeup and volume, is largely controlled by the extent to which the strains of modern society have caused other institutions-such as families, churches, schools, and social agencies-to disintegrate or lose their effectiveness. Courts are the recipients of society's problems, not the cause of those problems. But it is important that those of us working in the courts be committed to helping solve those problems and that we not make things more difficult for those involuntarily caught up in the system; this we are pledged to do.

ISSUES FACING OUR COURTS

"I have heard some characterize the courts as being in a state of crisis. I do not subscribe to that characterization. Our judges and district attorneys are among the most efficient in the United States. Every set of national statistics I have seen in the last decade has indicated that our prosecutors and judges dispose of more cases per capita each year than those in almost all of the other states. Every day, in every county in our State, the business of the courts is being conducted in an orderly and fair manner for thousands of our citizens. But I am committed to directing the energies of all of us working in the courts to making improvements where they are needed.

"The crisis I believe that we do face is a crisis of confidence in the courts and other institutions of government. Sometimes, we let problems seem so large that we begin to believe they are insurmountable. We lose our resolve to come to grips with them. In such an environment, perception can become reality. If we let ourselves believe we can do nothing, nothing will be done. I do not want that to happen with the issues facing the courts. My intention is to have those of us working in the courts focus on those things that are within our control and make sure that we are putting the resources available to us to good use.

"We must plan ahead to ensure that our courts change to meet the future needs of North Carolina. There are a number of important efforts underway which can point us in the right direction. They include the North Carolina Commission on the Future of Justice and the Courts, chaired by John Medlin, as well as the Courts Commission and the Criminal Justice Integrated Information Network Commission, which you have created. The fact that these groups are addressing the long-term future of the courts will allow the Director of the Administrative Office of the Courts and me to work with our court officials in focusing our attention and energies on problems which must be dealt with immediately. I would like to discuss some of those needs with you.

DRUG TREATMENT COURTS

"One bill currently pending before you spans the gap between short-term and long-term issues facing our courts. You currently have pending before you a bill designated the Drug Treatment Court Act. It will create a statewide program to facilitate the establishment of local drug treatment courts to deal with addicted offenders. Many of these people can be saved by being put on deferred prosecution or on closely supervised probation which can be revoked if they do not respond to *mandatory* drug or alcohol treatment programs. Those who do not respond to such programs may then be imprisoned. This proposed act will allow us to save many salvageable people while preserving our very limited prison space for those who really should be there in prison.

"Alcohol and drug abuse have become so pervasive that they can now be said to be the major cause of crime in North Carolina, particularly violent crime. One-third of all felonies pending before our superior courts are drug charges. Additionally, most violent crimes involve defendants who are abusing alcohol or drugs or who are committing crimes to feed their habits. The proposed Drug Treatment Court Act represents a well thought out and very positive step in our efforts to get the problem of crime resulting from alcohol and drug abuse under control. I commend its sponsors and urge you to give it your most serious consideration.

DELAY AND BACKLOG REDUCTION

"Other problems we face also must be addressed as quickly as possible. Our courts-particularly our criminal courts-are faced with extremely heavy caseloads. Our heavy caseloads are in large part a result of double-digit growth between 1988 and 1992. Eliminating our backlogs is vital if we are to improve the performance of our courts. Backlogs by definition should be the exception, not the norm.

"The Director of the Administrative Office and I are in the process of identifying those locations where the backlog problem is most acute. We plan to work

with local officials in those locations. We will supplement their existing resources by assigning emergency judges and temporary personnel to help reduce their backlogs. A Conference of District Attorneys has taken the initiative in this regard by agreeing to assist their colleagues in problem districts by temporarily assigning them senior prosecutors to expedite the handling of their capital cases and I commend the District Attorneys for their action in this regard.

"Additionally, I have exercised my authority as Chief Justice by reassigning all Resident Superior Court Judges to their home judicial districts, effective April 7, for the express purpose of determining the condition of the criminal Superior Court dockets in each county of the State. They will assess the adequacy of the number of criminal court sessions scheduled, in light of pending cases, and they will recommend changes in the amount of court scheduled, if appropriate. I am prepared to give priority to our criminal dockets for the immediate future, if the Senior Resident Judges report that the backlog warrants such emergency action.

"Large backlogs breed unnecessary delay in disposing of cases. Unnecessary delay breeds unfairness, inefficiency, increased expense, and loss of confidence in our Courts. I am optimistic that by concentrating on backlog reduction, we will produce concrete results. The public is entitled to have cases decided by our courts in a reasonable period of time. We in the courts must use the existing resources you have provided us to meet that goal. I am absolutely committed to seeing that we do so.

"I think I should mention at this point that I am aware, very aware, of the perception held by many that our courts are not in session long enough and that our judges do not work long enough hours. Several of you have shared your thoughts and those you have received from your constituents on this point with me, and I greatly appreciate your doing so. I hope you will continue to call such specific complaints to my attention, and I assure you that I will follow up on them to the extent that I have the power to do so.

"It should be remembered that, like you, our judges are independent elected officials. Just as it would be unfair to make a judgment about how hard you work based solely on the highly visible work you conduct in these Chambers when the Senate and the House are in session, it would also be wrong to make a judgment as to how hard judges and other court officials work based solely on the work they do in the courtroom during open sessions of court.

"Nevertheless, I agree with the view that many of you have expressed to me to the effect that judges should be in the courthouse during ordinary working hours from Monday through Friday. If court breaks down due to an inadequate calendaring of cases, judges should remain in the courthouse and initiate efforts to have cases ready for trials or for pleas brought before them. Failing that, they should seek to determine whether there are pending motions which they may deal with on a short notice. I have addressed these very points with many of our judges recently, in person and in writing. I believe they are committed to redoubling their efforts to ensure that the work of the courts is done and that the public perceives that it is being done in an efficient and timely fashion.

"I very much want you legislators to have an accurate understanding of what the court officials in your districts do. I know you are all terribly busy right now, but within the next few months, I plan to initiate a program whereby the judges from

your districts will invite each of you to spend a day or more with them as they perform their duties. It never ceases to amaze me how much actual work our trial judges do, often under frustrating and inadequate working conditions. The purpose of this program will be to inform you as to what our judges do, but also to give them an opportunity to learn about some of the frustrations and difficulties that you as legislators face. I will encourage each of you to take advantage of this program.

CAPITAL CASES

"Like you, I have received questions and complaints every day about the seemingly endless delays at every stage of capital murder cases. As most of you know by now, much if not most of the delay in capital cases occurs during the hearings of the seemingly endless petitions and appeals taken in federal courts. Neither you nor I can do much about this problem, but I know that the Governor, the Attorney General and certain members of our congressional delegation are attempting to change this state of affairs at the federal level. You and I must leave that effort to them, however, and turn our attention to attempting to improve the State system for handling capital cases. Although I think we should make no apologies for ensuring that capital cases-above all others-are conducted at every stage in a thorough and fair manner, it is apparent to me that many of the delays arising in our State courts in these cases add nothing to the quality of justice and are unnecessary from a constitutional standpoint. We can and must do better.

"I am informed that certain proposed legislation is before you or soon will be introduced to address some of the delays in capital cases. For example, I understand that you will be called upon to consider whether to remove the requirement that the Supreme Court of North Carolina conduct what is known as "proportionality review." This is a process statutorily mandated by you in which the Supreme Court, in effect, "second-guesses" a jury which has recommended the death sentence. If we believe the death penalty is disproportionate, we are required by the statute to strike the death penalty which has been recommended by the jury and substitute a life sentence. This process has become so complex that we have developed a special computer program to assist us in our review. Removing the requirement of proportionality review would no doubt reduce the time it takes our Court to render an opinion in each capital case.

"Other proposals are currently before you which would require that motions for appropriate relief filed after conviction, sentence, and appeal in capital cases be calendared and heard in a reasonable time. Executions cannot be carried out while such motions are pending. In the past, many such motions in capital cases were not disposed of quickly, because no one had clear responsibility for seeing that they were calendared for hearing. Bills pending before you which would require rapid calendaring of those motions for hearings could reduce the average time between the entry of a defendant's sentence of death and the actual execution by as much as three years according to our statistics.

"I need to remind you at this point that all capital cases are appealed directly to the North Carolina Supreme Court. The increase in the number of those cases has placed increasing burdens upon us. In 1991, there were fifteen new appeals in capital cases filed in our Court; by 1994, the number of new capital appeals for the year had risen to forty. This represents an increase of 166 percent in the number of capital appeals filed from 1991 to 1994.

"We are committed to doing our part in making the system work. In 1994, the North Carolina Supreme Court heard oral arguments in a total of 133 cases. We have decided that we will work through ordinary breaks in 1995 so that we may increase our workload. We are currently scheduled to hear oral arguments in a total of 248 cases this year. This will increase the number of cases we hear in 1995 by 86 percent over the previous year. I think you can see that we will be strained to do our part to insure that cases reach finality in a reasonable time.

"Our plans to hear more cases on appeal this year will not have much impact on the number of pending appeals in capital cases, however, unless we are able to focus our attention on those cases. You can help us in this regard. I ask that you give serious consideration to proposals to remove the automatic right of appeal to the Supreme Court in every case in which there is a dissent in the Court of Appeals. Many of those cases do not involve issues of any real consequence and have no business before our Court. Nevertheless, they are automatically appealable to our Court, and the litigants in those cases are given the same amount of time for argument that litigants in capital cases enjoy. We can no longer enjoy the luxury of such appeals as a matter of right, and I do not believe that they add substantially to the quality of justice. If serious issues are presented in such cases, we will still be able to grant review in our discretion.

"Another proposal which would help us to speed up pending capital appeals is a proposal that first-degree murder cases resulting in sentences of life imprisonment be appealable to the Court of Appeals, with no absolute right of further appeal to the North Carolina Supreme Court. Removing those appeals of right from our docket would give us time to consider and dispose of an equal number of capital cases from our pending backlog.

"Whether to adopt the proposals I have discussed is a decision left by our State Constitution to you, the members of the General Assembly. But should all of these proposals I have discussed be adopted by you, I believe we will be able to reduce the average time from the commission of a murder to the execution of a convicted defendant from the current average of more than ten years to something near the average of six years, which has been recommended by the American Bar Association.

FISCAL REQUIREMENTS

"Many of the initiatives advanced in the coming days of this legislative session will impact the courts directly. If we are to ensure that our courts do justice in a fair, timely, and efficient manner, the impact of proposed legislation must be carefully assessed. Expanding victims' rights or establishing statutory time limits for handling cases without providing the resources to implement such policies amount to unfunded mandates. Because the courts cannot control the number of cases coming to them, such unfunded mandates inevitably lead to further delay and court backlog—the very thing we all want to eliminate.

"The Director of the Administrative Office is presenting our budget requests to your appropriations committees, but I would like to make just a couple comments about our needs. Our budget request is an attempt to provide an honest assessment of the minimum we think is necessary to do the job presently defined for us by you and to provide the services the public rightly demands. I should tell you that there are those within the judicial branch who believe that we have undershot the staffing needs in certain areas.

"Specifically, the District Attorneys believe that the demands they must meet justify funding for considerably more personnel than this State has traditionally provided them; they make a rather strong argument for their position. It is for you to decide what goals they are to achieve. For example, you should ask whether this State wants to see more cases tried and fewer plea bargains. If so, you should remember that there is a substantial cost associated with even a slight increase in the percentage of cases actually tried.

"I do not believe it would be appropriate for me to answer such questions for you, as they are particularly within the province of the legislative branch under our system of government. I do remind you, however, that funding for the courts is not optional. Article IV of the State Constitution expressly provides that you are to pay for the operation of the judicial branch from State funds. So, I urge you to be aware of the costs associated with any changes in the operation of the courts you are considering adopting.

JUDICIAL SELECTION

"Since the adoption of the North Carolina Constitution of 1868, our judges have been elected to office in partisan elections. Many of us have long sought to change this system. However, the current system served us reasonably well for more than 100 years. During those years, a person who was initially appointed to a vacancy might expect to have one contested election. If the judge won that election, it was rare for the judge ever face another contested election. While, arguably, the threat of an election opponent kept our judges reasonably humble, the exceptionally small number of contested elections gave our system stability. This allowed judges to enter a career in the judiciary with some certainty that they could complete that career if they were professionally competent and temperamentally suited to the position. We have been blessed under our current system with a judiciary which has been almost totally free of any form of corruption. To the best of my knowledge, only one judge in the history of the State has ever been found to have accepted a bribe or otherwise been financially corrupt; that occurred within the last decade and should be viewed as a wake-up call for all of us.

"For a little more than a decade now, strong contested partisan judicial elections have been commonplace. Partisan judicial elections have become more and more expensive and time-consuming and now regularly put tremendous pressure on individual judges and on the court system as a whole. Current trends toward politics dominated by narrow special interests have brought our judges under increasing pressure to give advance commitments to enter rulings desirable to special interest groups. So far, I am proud to say that I believe our judges have avoided this temptation uniformly; I am sorry that I cannot promise that this will always be so.

"Further, it is now clear that partisan elections are directly interrupting the work of the courts and slowing our disposition of cases. For example, the North Carolina Supreme Court was required to cancel November and December court in 1994 after two justices were defeated and the Chief Justice announced his retirement. Such cancellations have occurred three times in the Supreme Court during the last ten years as Democrats swept Republicans from the Court and the Republicans returned the favor. The experience in the Court of Appeals has been much the same. I do not mean to criticize any individual when I say that this state of affairs has not served the courts or the public well. We simply need to change the system.

"Last fall, the North Carolina Judicial Conference-an organization comprised of all judges in the State-adopted a resolution endorsing an appointive system of judges; only two judges voted no. More recently, it has appeared that adoption of a nonpartisan election system for judges might be a more realistic goal in this session of the General Assembly. As a result, we have polled the judges of this State, asking whether they would favor a change to a nonpartisan system for the election of judges over our current partisan system. The responses indicated that 72 percent of our Superior Court Judges and 64 percent of our District Court Judges prefer a nonpartisan system of judicial elections over the current system.

"I think you may face a unique but brief opportunity to change our system for the good of the State in this Session. The most recent elections have made it clear that we are going to have a bipartisan judiciary in North Carolina. At this particular moment in history, we cannot know which party will be most benefited by any change in our system of judicial selection and retention. This state of affairs should give all concerned added incentive to ignore partisan political considerations and to adopt a system for the selection and retention of judges that will be in the best interest of all the people of North Carolina. My hope is that the result will be a system which provides stability once a qualified judge is in office and which encourages well-qualified Republicans and Democrats to seek a career in the judiciary. Such a system should give Republican and Democratic judges alike reasonable assurance that they will be retained in office if they perform well and that they will not be subject to constant partisan attacks.

"I hope that, at the very least, you will adopt bills which provide that judges running for election immediately after having been appointed will be elected to full terms of office and not just to the remainder of the term of the office to which they have been appointed; this one small change would provide some additional stability to our judiciary without making any significant change in the manner by which judges are selected or retained. But, I strongly urge you to take advantage of this unique and perhaps fleeting moment in our history by going further and adopting some form of retention system for judges that will not constantly subject them to the ebb and flow of pure partisan political tides.

CONCLUSION

"In closing, I want to say that I am proud to be a North Carolinian and very proud to serve as a member of the judiciary of this great State. When we look at the challenges facing the courts, it is tempting to blame "the system." But those who rush to this conclusion should first take stock of all that is right with our courts in North Carolina.

"Our uniform court system, created by this body in 1962 is admired of other states and nations. The Constitution of the former Soviet Union provided more individual rights than the Constitution of the United States. The laws of the Soviet Union also contained a nearly endless litany of individual rights. But today, delegations from the former Soviet Republics and other nations around the world are visiting North Carolina regularly and trying to copy our form of government under law. They all have the same question: "How do you make your laws work so that the rights guaranteed your people are carried into effect?" The answer is simple but profound; we have genuine, enforceable rights because we have an independent judiciary to enforce the rule of law. It is ironic that precisely at the time the world has come to appreciate the critical role of our independent judici-

ary in making our constitutional form of government come alive, our courts and other legal institutions are coming under attack here at home. Our court system is not perfect, but it is the best in the world.

"I want to express my appreciation now to each of you for the very important and stressful work you do. I particularly want you to know that I am anxious to work with all members of both parties in both chambers of this General Assembly. I intend to take a positive and nonpartisan approach in dealing with the common challenges we face, and I am confident that you will respond in kind. I look forward to working with each of you, and I thank you for your kind attention to these remarks."

March 30, 1995 (See page 260)

REMARKS
AMBASSADOR OF TAIWAN
The Honorable Benjamin Lu

"Thank you. Thank you very much. Mr. President, distinguished Senators, ladies and gentlemen. It's my great, great honor to be here today at the Senate of Tarheel State. (Laughter, applause) Thank you. I remember some years ago when I took a procurement mission to visit your great State; I was here once some fourteen, fifteen years ago. So love to be back here. On behalf of our people of the Province of Taiwan, I would like to extend our gratitude to all of you for your support in the past, and also our people over there cherish very much the sister-state relationship with your great State. Probably you are aware the Republic China and Taiwan have made an economic success. We are number six trading partner of your country and we are number ten, number tenth market of your great State. And a two-way trade still on the increase all the time. I remember about ten years ago we had a problem of trade imbalance with your great country, but after our efforts so this imbalance situation has been corrected year after year from a imbalance of $16 billion down to only $6 billion last year. And even now we import more than we export to you. So pretty soon and this imbalance will be reversed, not, in not long, a long, a lot distant future? What we are proud of most is not our high economic success. We are proud of our success in democratization and with the leadership of our President Lee, we are now a full vibrant democracy, just as you are. (Applause)

"Our people are well represented at all levels by a representative of the town for township, by city council for the cities, by provincial assembly for the province like your State. You have a Senate and House. At the national level we have a Parliament, we have Senators. And those elected representatives are very powerful. Issues from time to time have been lightly debated in those legislatures. We are really proud of that, we learn a lot from you. Not only we are a vibrant and full democracy, we also would like to demonstrate that success to our big brother, PRC (Peoples Republic China). (Applause) We want them change their system. We want them change to a system exactly like yours and mine. We want them change their economic system into a market economy like ours. If that can be done, then the day for our national reunification is on the corner.

"We also have few campaigns we are making. Number one, we would like to join some of these international organizations such as GATT which is already

succeeded by our organization known as WTO. We would like to join that because we are a big economic power in the world, so we think we belong to that kind of a club. We also want to join United Nations. We have 21 billion people on Taiwan. We enjoys prosperity, we enjoys democracy, freedom of speech, freedom of the press, so we want to be a member of United Nations. So we are having a campaign, campaigning for a place in United Nations. So we need your support. We think Taiwan, Republic China, we are bigger in terms of economic strengths, in terms of population, than almost three-fourths of all nations in the world, so we deserve a place in the United Nations. We need your support. We today again, really my great honor to be here. We very much treasure your support and good relations with your great State. We thank you, thank you very much. Anything we can do to further strengthen our relations we'll be very much willing to make our efforts.

"Thank you again, Mr. President, and distinguished Senators. Thank you." (Applause)

By Senator Basnight:

"Mr. Ambassador, at this time, I believe that the Members may have some questions, if you would entertain a few questions from our Members. Let me, if we could, just let the Chair recognize anyone who may have a question of the Ambassador at this time."

By Senator Plexico:

"Thank you. I have not had the pleasure of doing business in your country, but I did quite a lot of business in Hong Kong, and you mentioned the desire to see Mainland China, the Peoples Republic, move more toward a democracy and certainly economic freedom. With the strength of Hong Kong being very similar to that of Taiwan in its economy, do you think with Hong Kong going back into Mainland China in, is it '97 or '99, that that will have that desired effect, or at least move it in that direction?"

By the Ambassador:

"As far as we understand now, the PRC promised to keep Hong Kong status quo for fifty years after 1997. We certainly hope they will keep their promises. For their own good."

By Senator Warren:

"I have an interest in the farming interest in your country. Can you give me an idea about tobacco imports you have, and how that works in Taiwan?"

By the Ambassador:

"Well, we love your tobacco, we import a lot of your tobacco. I remember fourteen years ago I took procurement mission here and I signed a big contract and we will keep doing that. You know the-we have-a kind-tobacco business in my country still is a monopoly business conducted by tobacco and wine monopoly bureau, and this system, because we want to join GATT, so this system has to be abolished. So probably in near future the tobacco and wine monopoly bureau will no longer be in existence, but the buying of your tobacco will continue. Thank you very much."

By Lieutenant Governor Wicker:

"Mr. Ambassador and Members of the Senate and guests, it's with a great deal of pride, and it's an honor for me to give to you the flag of the great State of

North Carolina. I want you to know, Mr. Ambassador, I checked, and it was made in the U.S.A. (Laughter) And we are very proud of our flag, we believe that we have the most beautiful flag. I can't pull it all the way out, Mr. President *Pro Tem*, but as you can see its colors of this State, and we certainly hope that you will take this back to your great country and well, it's got to go this way, and we hope that you will—"

By the Ambassador:

"Well really it's my great honor to be presented this such beautiful gift. I can assure you there is a great place in my office for this flag."

By Lieutenant Governor Wicker:

"Thank you very much." (Applause)

"Senator Soles will now escort our special guests from the Chamber, and again on behalf of the Senate, we thank you very much. Godspeed with you."

By the Ambassador:

"Thank you very much." (Applause)

June 5, 1995 (See page 651)

1995 MISS NORTH CAROLINA SCHOLARSHIP PAGEANT CONTESTANTS AND THEIR COMMUNITY SERVICE PROJECTS SATURDAY, JUNE 24, 1995

The Miss North Carolina Organization is a non-profit organization composed entirely of volunteers. It is a leadership training program which promotes community service.

North Carolina ranks 11th in the nation among the fifty states represented at the Miss America Pageant, awarding over $30,000.00 in cash scholarships. North Carolina's local pageants rank 3rd in the nation, having awarded over $89,000.00 in cash scholarships to young women across our state. This year, for the first time, the Miss North Carolina Organization will offer a quarter of a million dollars of in-kind college tuition scholarships to its contestants. The Miss America program, through the national, state and local pageants, is the largest private source of scholarship money for young women in the country, awarding over $24 million in scholarships in 1994.

Miss Alamance County	representing Alamance, Caswell and Rockingham Counties
Nicole Henry	community service project: **School Violence Awareness**
Miss Alexander County	representing Alexander and Iredell Counties
Tori Terrizzi (not present)	community service project: **"SMILE: Self-Morality in Learning and Education," a project to motivate our youth**
Miss Appalachian Valley	representing the northwest counties of North Carolina
Sheri Benge	community service project: **Fire Prevention and Education**

Miss Asheville
Heidi Holloway
representing Buncombe, Haywood, Macon, Madison, Transylvania, Jackson, Swain and Graham Counties
community service project: **S.A.V.E.: Students Against Violence Everywhere**

Miss Brunswick County
Renee Ward
representing Brunswick County
community service project: **Cans for Kids, a recycling project**

Miss Cabarrus County
Amy Talbert
representing Cabarrus County
community service project: **Prevention of Child Abuse**

Miss Catawba Valley
Gwen Smith
representing Catawba, Burke and Caldwell Counties
community service project: **"Break the Silence:" a family values and communication project**

Miss Charlotte-Mecklenburg
Vera Mauney
representing Mecklenburg County
community service project: **Child Abuse and Neglect**

Miss Duplin County
Georgette McGill
representing Duplin County and the surrounding area
community service project: **RESCUE for Life: a fire safety program for youth**

Miss Erwin-Denim
Jennifer Joyner
representing Harnett County
community service project: **OPERATION DONATION: blood and bone marrow drives**

Miss Fayetteville
Dena Briggs
representing Cumberland, Robeson and Hoke Counties
community service project: **HOPE: motivating people to overcome difficulties**

Miss Forsyth County
Leslie Cobb
representing Forsyth and Davie Counties
community service project: **"Live It Up," a youth cancer support group providing cancer awareness and education**

Miss Garner
Lisa Bamford
representing Wake County
community service project: **Prevention of Crime Among Youth**

Miss Gastonia
Charlotte Hunt
representing Gaston County and western Cleveland County
community service project: **Underprivileged Children**

Miss Goldsboro
Sharon Hinnant
representing Wayne County
community service project: **"Dream for Esteem," a self-esteem program for youth**

Miss Guilford County
Jennifer Roberts
representing Guilford County
community service project: **"TAPS: Taking Action for Positive Steps," a family unity program**

Miss Henderson
Olivia Hill
representing Vance, Granville, Warren and Franklin Counties
community service project: **Morality Awareness: a prison and nursing home ministry**

Miss Hickory
April Coffey
representing Catawba, Burke and Caldwell Counties
community service project: **"Funds for Life," a cancer awareness and fund-raising project**

Miss Johnston County
Amy Bristle
representing Johnston County
community service project: **Character Education: motivating our youth with puppets**

Miss Kinston-Lenoir County
Angie Sumner
representing Lenoir County
community service project: **"CARE: Cancer Awareness Reaching Everyone"**

Miss Lee County
Joy Hall
representing Lee County
community service project: **"V.O.T.E.: Voice Opinions Through Election," a project to encourage voting**

Miss Lincoln County Apple Queen
Amy Heavner
representing Lincoln County
community service project: **Achieving Success by overcoming Obstacles**

Miss Moore County
Darcy Dennison
representing Moore County
community service project: **Raising Funds and Consciousness for Battered Women in Moore County**

Miss Mount Airy
Khriste Hobson
representing Surry, Stokes and Rockingham Counties
community service project: **"Dare to Dream," a motivational program for youth**

Miss Randolph County
Bridget Lamb
representing Randolph County
community service project: **"It's All About Giving," a community activism project**

Miss Richmond County
Maggie Shankle
representing Richmond, Scotland, Anson and Robeson Counties
community service project: **Volunteer Attorney program for abused women and their children**

Miss Rocky Mount
Natalie Stroud
representing Nash and Edgecombe Counties
community service project: **Multiple Sclerosis Research and Awareness**

Miss Spivey's Corner
Crissie Taylor
representing Sampson County and the surrounding area
community service project: **SADD: Students Against Drunk Driving**

Miss Thomasville
Lisa Gallimore
representing Davidson County, High Point, Trinity and Archdale Townships
community service project: **"Stop the Violence," a community awareness program about gun related violence**

Miss Topsail Island
Amanda Waters
representing Pender and Onslow Counties and the surrounding area
community service project: **Physically Challenged Children**

Miss Tri-County
Amanda Yandle
representing Stanly, Union and Montgomery Counties
community service project: **"Unity Through the Family," a community activism project involving families**

Miss UNC-C 49er
Tenitra Allison
representing the University of North Carolina at Charlotte
community service project: **Improving the self-esteem of Disadvantaged Youth through Dance**

Miss Western Piedmont
Melanie Stone
representing Cabarrus County and the western piedmont area
community service project: **OPERA-tion Arts," promoting Arts Awareness**

Miss Wilmington
Christie Canady
representing New Hanover County
community service project: **"Dance, the Art of Healing," a project motivating physically challenged youth**

Miss Wilson
Lynn Vaughn
representing Wilson County
community service project: **"CHILD: Caring, Helping, Illustrating, and Doing," a tutorial program for children**

Miss North Carolina 1994 representing the Great State of North Carolina
Dana Ann Stephenson

Dana's community service project, entitled **"CRUSADE: Creating United Support Against Drugs Everywhere"** was recognized at the 1994 Miss America Pageant as among the top seven in the nation. Dana has served the State in our public schools as an official spokesperson in the Alcohol and Drug Defense program. She has spoken to thousands of children across our state about the dangers and ills of substance abuse and the importance of education in each of their lives.

Submitted by:
Sheila R. Lee is the President Executive Director of the Miss North Carolina Pageant.

June 14, 1995 (See page 733)

SENATE JOINT RESOLUTION 1095

Further research on **S.J.R. 1095**, a joint resolution recognizing the one hundredth year of women serving in State legislatures and the many contributions women serving or formerly serving, in various capacities in the General Assembly of the State of North Carolina have made to our legislative process, and honoring North Carolina's women legislators who are now deceased, has revealed inaccuracies. The following [bold-faced] corrections should be noted:

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2	13	Jennie G. **Craven**, Mecklenburg County
3	44	Betsy L. Cochrane, **Davie** County
4	5	Virginia A. Foxx, **Watauga** County
4	8	**Teena** S. Little, Moore County
4	14	Carolyn B. Russell, **Wayne** County

July 26, 1995 (See page 1117)

MEMBERS OF
THE 82nd AIRBORNE DIVISION
ALL-AMERICAN CHORUS

Altman, Robert F.	SPC	Grazier, David F.	SPC
Blackmon, Jimmie	SGT	Hall, Jason R.	PV2
Bonnell, Donald E.	PFC	Hammock, Donald C.	PFC
Cook, Jason A.	SPC	Joyner, Anthony	SPC
Craig, Joshua R.	SPC	Lafontaine, Arnaldo	PFC
Daniels, David A.	PFC	Richardson, Benjamin S.	SPC
Eubanks, Lance M.	CPL	Schrook, William J.	SPC
Fleury, Dana R.	SFC	Wenzel, Jeffery D.	PFC
Frye, Michael D.	SPC	Williamson, Melvin	SPC
Gainey, James E.	CPL	Willson, Adam C.	SPC
Goodwin, Jason	SPC	Womble, Gary L.	SGT

SENATE COMMITTEE ASSIGNMENTS

COMMITTEE	STANDING MEETING TIME/ROOM
AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES:	**Tues/Thurs—Rm 1124—11:00 AM**
Chairman:	Senator Albertson
Vice-Chairmen:	Senator Blackmon Senator Gulley Senator Plexico Senator Speed
Ranking Minority:	Senator Cochrane
Members:	Senators Dannelly, East, Hobbs, Horton, Jordan, Kincaid, McDaniel, Odom, Page, Perdue, Shaw, Simpson, and Winner
APPROPRIATIONS:	**Tues/Wed/Thurs—Rm 643—8:30 AM**
Co-Chairmen:	Senator Perdue Senator Plyler
Vice-Chairmen:	Senator Blackmon Senator Conder Senator Kincaid Senator Rand Senator Simpson Senator Webster
Members:	Senators Albertson, Ballance, Ballantine, Carpenter, Clark, Cochrane, Dannelly, Davis, East, Edwards, Forrester, Gulley, Hobbs, Horton, Hoyle, Jordan, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Odom, Parnell, Plexico, Smith, Speed, Warren, and Winner
BASE BUDGET:	**Tues/Wed/Thurs—Rm 643—8:30 AM**
Chairman:	Senator Odom
Vice-Chairmen:	Senator Blackmon Senator Conder Senator Kincaid Senator Rand Senator Simpson Senator Webster
Members:	Senators Albertson, Ballance, Ballantine, Carpenter, Clark, Cochrane, Dannelly, Davis, East, Edwards, Forrester, Gulley, Hobbs, Horton, Hoyle, Jordan, Ledbetter, Little, Lucas, Martin of Pitt, Martin of Guilford, McKoy, Parnell, Perdue, Plyler, Plexico, Smith, Speed, Warren, and Winner

APPROPRIATIONS - DEPARTMENT OF TRANSPORTATION:
Tues/Wed/Thurs—Rm 1027—8:30 AM

Chairman:	Senator Hoyle
Vice-Chairman:	Senator Albertson
Ranking Minority:	Senator Carpenter
Members:	Senators Edwards and Horton

APPROPRIATIONS - EDUCATION/HIGHER EDUCATION:
Tues/Wed/Thurs—Rm 414—8:30 AM

Co-Chairmen:	Senator Plexico
	Senator Winner
Vice-Chairman:	Senator Conder
Ranking Minority:	Senator Smith
Member:	Senator Little

APPROPRIATIONS - GENERAL GOVERNMENT:
Tues/Wed/Thurs—Rm 1124—8:30 AM

Chairman:	Senator Warren
Vice-Chairman:	Senator Lucas
Members:	Senators Davis, Gulley, and Ledbetter

APPROPRIATIONS - HUMAN RESOURCES:
Tues/Wed/Thurs—Rm 422—8:30 AM

Chairman:	Senator Martin of Guilford
Vice-Chairman:	Senator Speed
Ranking Minority:	Senator Forrester
Members:	Senators Clark and Dannelly

APPROPRIATIONS - JUSTICE AND PUBLIC SAFETY:
Tues/Wed/Thurs—Rm 415—8:30 AM

Chairman:	Senator Ballance
Vice-Chairman:	Senator Parnell
Ranking Minority:	Senator Ballantine
Members:	Senators East and Rand

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES:
Tues/Wed/Thurs—Rm 423—8:30 AM

Chairman:	Senator Martin of Pitt
Vice-Chairman:	Senator Jordan
Ranking Minority:	Senator Cochrane
Members:	Senators Hobbs and McKoy

CHILDREN AND HUMAN RESOURCES:
Wednesday—Rm 544—11:00 AM

Chairman:	Senator Lucas
Vice-Chairmen:	Senator Dannelly
	Senator Martin of Guilford
	Senator Winner
Ranking Minority:	Senator Forrester
Members:	Senators Allran, Clark, Cochrane, Cooper, East, Foxx, Hobbs, Kerr, Kincaid, Perdue, Plexico, Sawyer, and Warren

COMMERCE:	**Tues/Thurs—Rm 423—11:00 AM**
Chairman:	Senator Parnell
Vice Chairmen:	Senator Cochrane
	Senator Hoyle
	Senator Warren
Ranking Minority:	Senator Smith
Members:	Senators Ballance, Ballantine, Carpenter, Conder, Edwards, Forrester, Foxx, Kerr, Kincaid, Ledbetter, Little, Martin of Pitt, Plyler, Rand, and Soles
EDUCATION/HIGHER EDUCATION:	**Wednesday—Rm 414—10:00 AM**
Co-Chairmen:	Senator Plexico
	Senator Winner
Vice-Chairmen:	Senator Allran
	Senator Dannelly
	Senator Hartsell
	Senator Hobbs
	Senator Warren
Ranking Minority:	Senator Forrester
Members:	Senators Cochrane, Conder, Cooper, Davis, Foxx, Horton, Hoyle, Little, Lucas, Martin of Guilford, Perdue, and Simpson
FINANCE:	**Tues/Wed/Thurs—Rm 544—12:00 Noon**
Co-Chairmen:	Senator Kerr
	Senator Sherron
Vice-Chairmen:	Senator Cooper
	Senator Shaw
	Senator Soles
Ranking Minority:	Senator Allran
Members:	Senators Albertson, Blackmon, Carrington, Conder, Edwards, Foxx, Hartsell, Hobbs, Hoyle, Lucas, McDaniel, Page, Parnell, Rand, Sawyer, Smith, Speed, and Webster
JUDICIARY I/CONSTITUTION:	**Tues/Thurs—Rm 1124—10:00 AM**
Chairman:	Senator Cooper
Vice-Chairmen:	Senator Odom
	Senator Soles
	Senator Winner
Ranking Minority:	Senator Simpson
Members:	Senators Albertson, Allran, Ballantine, Blackmon, Dannelly, Hobbs, Martin of Guilford, McDaniel, McKoy, Page, Perdue, Shaw, and Speed

JUDICIARY II/ELECTION LAWS: **Tues/Thurs—Rm 1027—10:00 AM**

Chairman:	Senator Gulley
Vice-Chairmen:	Senator Ballance
	Senator Kerr
Ranking Minority:	Senator Hartsell
Members:	Senators Carpenter, Davis, Horton, Hoyle, Jordan, Kincaid, Lucas, Parnell, Plexico, Rand, Sawyer, and Webster

LOCAL GOVERNMENT AND REGIONAL AFFAIRS:
Wednesday—Rm 1124—11:00 AM

Chairman:	Senator Jordan
Vice-Chairman:	Senator Martin of Pitt
Ranking Minority:	Senator Shaw
Members:	Senators Albertson, Ballance, Carrington, Conder, Davis, Hartsell, Ledbetter, and Soles

PENSIONS AND RETIREMENT/INSURANCE/STATE PERSONNEL:
Wednesday—Rm 1124—10:00 AM

Co-Chairmen:	Senator Conder
	Senator Soles
Vice-Chairmen:	Senator Kincaid
	Senator Martin of Pitt
	Senator Parnell
Ranking Minority:	Senator Shaw
Members:	Senators Carpenter, Edwards, McDaniel, McKoy, Odom, Plyler, Sherron, Smith, Speed, and Webster

RULES AND OPERATION OF THE SENATE:
Upon Call of Chairman

Chairman:	Senator Rand
Vice-Chairmen:	Senator Gulley
	Senator Simpson
Ranking Minority:	Senator Hartsell
Members:	Senators Cooper, Horton, Jordan, Ledbetter, Little, Plexico, Plyler, and Soles

TRANSPORTATION: **Wednesday—Rm 1027—11:00 AM**

Chairman:	Senator Speed
Vice-Chairmen:	Senator Edwards
	Senator Gulley
	Senator Smith
Ranking Minority:	Senator Simpson
Members:	Senators Carpenter, Carrington, Clark, Hoyle, Odom, Page, Parnell, and Sherron

WAYS AND MEANS: **Upon Call of Chairman**

Chairman: Senator Edwards
Vice-Chairman: Senator Sherron
Ranking Minority: Senator Allran
Members: Senators Ballance, Ballantine, Carrington, Clark, East, Hoyle, Kerr, Martin of Pitt, Martin of Guilford, McKoy, Odom, Perdue, Plyler, Sawyer, Smith, Warren, and Webster

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SELECT REVIEW COMMITTEE ON S.B. 971:

Chairman: Senator Odom
Members: Senators Ballance, Ballantime, Cochrane, Cooper, Gulley, Hartsell, Kincaid, Rand, Simpson and Winner

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SENATE STAFF

OFFICE OF THE PRESIDENT

Lieutenant Governor	Dennis A. Wicker
Chief of Staff	Kaye Gattis
Director of Communications	Robert D. Phillips
Special Assistants	
Boards and Commissions	Shirley Fowler
Constituent Affairs	Maggie Pollock
Legislative and Policy Advisor	Davis Bradshaw
Administrative Assistants	Greta L. Rogers
	Kathryn Wilson
Executive Secretary	Camille Vaughan
Scheduler	Rhonda Currier

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General Counsel/Liaison	Norma Ware
Communications Director	Bret Kinsella
Executive Assistant	Joan Leatherman
Office Manager	Angela Talton
Special Assistant for Citizen Affairs	Andrea Gardner
Administrative Assistant	Anita Stephenson
Secretary	Sandy Tingle
Page Coordinator	Dot Holbrook
Page Supervisor	Tonita Stephenson

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Deputy President *Pro Tempore*	R. C. Soles, Jr.
Administrative Assistant	Janet Puryear

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Principal Clerk	Sylvia Morris Fink
Administrative Assistants	June Simpkins Bennett
	Mona R. Fitzgerald
Calendar Clerk	Linda Stephenson
Assistant Calendar Clerks	Eryn M. Gee
	Doris H. Gilbert
	Susan E. McGuire
Journal Clerk	Elizabeth L. Thompson
Assistant Journal Clerks	Beverly H. Allen
	Betty Morris Bridger
	Grace J. Hale
	Sonia P. Powell
	Bryan Pruitt
	Brian F. Williams

READING CLERK LeRoy Clark, Jr.

OFFICE OF THE SERGEANT-AT-ARMS

Sergeant-at-Arms	Cecil Goins
Deputy Sergeant-at-Arms	Royster Baker
Secretary	Martha Dunn

OFFICE OF THE SERGEANT-AT-ARMS (Continued)

Assistants	Andrew Brock	Jack Mueller
	Collis Brown	Bonnie Mullen
	Lea Dunn	Mary Perry
	Fallis O. Finch	Hubert Poole
	Jimmy Hight	Phil Riley
	Leslie Litton-McKenzie	Bernard Robinson
	Franklin "Brad" Lovin	Leslie Wright
	Archie McMillan	

CHAPLAIN Mike Morris

SECRETARIES/COMMITTEE CLERKS

SUPERVISOR Janet Pruitt

Name	*Senator*	*Clerk of Committee*
Allen, Doris	Parnell	Commerce
Avent, Irma	Jordan	Local Government and Regional Affairs
Bagley, Jane (Dee)	Smith	
Ballance, Valerie		Office of Supervisor
Banko, Pat		Office of Supervisor
Batchelor, Jerry	Parnell	Commerce
Birdsong, Julia	Albertson	Agriculture/Environment/ Natural Resources
Bowles, Gerry	Foxx	
Britt, Judy	Sherron	Finance
Caldwell, Wilma	Warren	Appropriations on General Government
Canady, Anne	Perdue	Appropriations
Carpenter, Helen	Carpenter	
Carter, Lucille	Cochrane	Minority Leader
Costello, Evelyn	Horton	
David-Yerumo, Bernie	Lucas	Children and Human Resources
Davis, Kathy	Carrington	
Drew, Frances	Speed	Transportation
Dunnigan, Soraya	Edwards	Ways and Means
Fleming, Mark	Page	
Gooden, Carolyn	Hobbs; Martin of Pitt	Appropriations on Natural and Economic Resources
Halifax, Peggy	Ledbetter	
Hartsell, Evelyn	Kerr	Finance
Hipp, JoAnn	Hobbs	
Hodge, Dee	Dannelly	
Hogan, Peggy Anne	Ballantine	
Holbrook, Dot		Office of Supervisor
Holt, Gerald	Winner	Appropriations on Education/Higher Education; Education/ Higher Education
House, Pat	Martin of Pitt	Appropriations on Natural and Economic Resources
Jacobi, Marianne		Office of Supervisor
Johnson, Gerry	Hartsell	
Jordan, Martha	Simpson	
Kay, Wanda	Martin of Guilford	Appropriations on Human Resources

SECRETARIES/COMMITTEE CLERKS (continued)

Name	*Senator*	*Clerk of Committee*
King, Margaret	Allran	Minority Whip
Lambert, Ann	Rand	Rules and Operation of the Senate
Leath, Mark	Webster	
Leatherman, Joan	Basnight	Office of President *Pro Tempore*
Lee, Vi	Ballance	Majority Whip; Appropriations on Justice and Public Safety
Lefort, Terry	Blackmon	
LeGrande, Beth	Plexico	Appropriations on Education/Higher Education; Education/Higher Education
Mahaffey, Margaret	Sawyer	
Misner, Pat	Plyler	Appropriations
Moore, Susan	Cooper	Judiciary I/Constitution
Murphy, Sarah	Conder	Majority Leader; Pensions and Retirement/Insurance/State Personnel
Myers, Elaine	Hoyle	Appropriations on Department of Transportation
Nicerkson, Janet		Office of Supervisor
Odom, Rhonda	Martin of Guilford	Appropriations on Human Resources
Parrish, Claudette		Office of Supervisor
Porter, Phyllis	Kincaid	
Pulley, Nancy	East	
Puryear, Janet	Soles	Deputy President *Pro Tempore*; Pensions and Retirement/ Insurance/State Personnel
Rayford, Chermayne	McKoy	
Resar, Carol	Gulley	Judiciary II/Election Laws
Riedeburg, Vera	McDaniel	
Shaw, Linda	Shaw	
Smith, Suzanne	Clark	
Spears, Vickie	Perdue	Appropriations
Stoddard, Betty	Little	
Stowe, Rosemary H.	Martin of Pitt	Appropriations on Natural and Economic Resources
Swindell, Russ	Sherron	Finance
Taylor, Mary Lee	Cochrane	Minority Leader
Thompson, Lucille	Conder	Majority Leader; Pensions and Retirement/Insurance/State Personnel
Toudle, Brenda	McKoy	
Tyree, Lois	Forrester	
Tyson, Mary	Martin of Pitt	Appropriation on Natural and Economic Resources
Walker, Carole	Davis	
Waugaman, Dorothy	Odom	Base Budget
Williams, Penny	Foxx; Hoyle	Appropriations on Department of Transportation

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Name	*Senator*	*Clerk of Committee*
Willis, Judy		Office of Supervisor
Woodlief, Meredith	Plyler	Appropriations
Yates, Virginia		Office of Supervisor

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Co-Sponsor ..... 12, 14, 31, 44, 45, 46, 48, 49, 50, 54, 55, 64, 67, 68, 72, 77, 95, 98, 99, 123, 140, 164, 169, 171, 180, 212, 214, 215, 216, 217, 218, 223, 224, 233, 235, 236, 250, 251, 256, 257, 258, 271, 285, 286, 299, 322, 323, 329, 336, 359, 365, 399, 432, 433, 468, 498, 546, 558, 559, 560, 561, 562, 563, 573, 625, 643, 645, 656, 689, 703, 708, 735, 747, 768, 812, 824, 826, 833, 837, 838, 852, 863, 948, 967, 974, 1000, 1010, 1012, 1026, 1078, 1096, 1100.

BLADEN COUNTY—District 18—Senator R. C. Soles, Jr.
—District 30—Senator David R. Parnell
Board of Education
School Property/Construction Contract
S 104 (Ch. 17) ..... 84, 121, 127, 131, 220, 230, 231.

BLIND, AID TO [G.S. 111]—see **Handicapped** (Visually Impaired)

BLOCK GRANT FUNDS—see **Appropriations**

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BLUE LIGHT BANDIT—see **Law Enforcement** (Impersonation)

BOARD OF GOVERNORS—see **Higher Education** (UNC)

BOARDS AND COMMISSIONS
Appointment—see **Appointments**
Appointment Authority—see **Appointments**
Authority
Agricultural Finance Authority
Appointive Authority President *Pro Tempore*
S 901 [Sec. 4](Ch. 490/see S 691) ..... 420, 506, 533, 1108, 1124, 1125.

BOARDS AND COMMISSIONS (continued)
Authority (continued)
Agricultural Finance Authority (continued)
Members Appointed
S 828 [Sec. 1](Ch. 493/see S 692) ..... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 2](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Bridge Authority, North Carolina
H 952 (Ch. 485) ..... 1025, 1034, 1093, 1105, 1113, 1118.
Centennial Authority
Members Appointed
S 691 [Sec. 16.6](Ch. 492/see S 901) ... 327, 506, 530, 1114, 1124, 1125.
H 897 [Sec. 50](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Global TransPark Authority
Members Appointed
S 691 [Sec. 3](Ch. 492/see S 901) ..... 327, 506, 530, 1114, 1124, 1125.
H 897 [Sec. 16](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Low-Level Radioactive Waste Management Authority
Appointive Authority President *Pro Tempore*
S 901 [Sec. 32](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 15](Ch. 493/see S 692) .... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 20](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Parks and Recreation Authority, N.C.
Established/Funds
S 883 (Appr Com) ..... 418.
H 718 (Ch. 456) ..... 500, 983, 996, 1009, 1040, 1044, 1045, 1048, 1059, 1063.
Ports Authority, State
Appointive Authority President *Pro Tempore*
S 901 [Sec. 54](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 28](Ch. 493/see S 692) .... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 40](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Transfer to Transportation Department
S 879 (reref Appr Com/see H 421) ..... 417, 751.
Seafood Industrial Park Authority
Appointive Authority President *Pro Tempore*
S 901 [Sec. 47](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 26](Ch. 493/see S 692) .... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 36](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Boards
Acupuncture Licensing Board
Members Appointed
S 691 [Sec. 2](Ch. 492/see S 901) ..... 327, 506, 530, 1114, 1124, 1125.
H 897 [Sec. 1](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Agriculture, State Board
Appointed (Kearney, McLawhorn, Vaughan) ..... 434, 584.
Membership Increased/Confirmation by Joint Resolution
H 673 (Rules Com) ..... 557, 597.

BOARDS AND COMMISSIONS (continued)
Boards (continued)
Alarm Systems Licensing Board
Appointive Authority President *Pro Tempore*
S 901 [Sec. 6](Ch. 490/see S 691) ..... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 2](Ch. 493/see S 692) ..... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 3](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Arboretum, Board of Directors of the North Carolina
Appointive Authority President *Pro Tempore*
S 901 [Sec. 63](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Art Museum Board of Trustees
Appointive Authority President *Pro Tempore*
S 901 [Sec. 8](Ch. 490/see S 691) ..... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 3](Ch. 493/see S 692) ..... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 46](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Athletic Trainers Examiners Created
S 93 (Fin Com) ..... 81.
Barber Examiners
Membership Expanded/Responsibilities
S 294 (H Fin Com) ..... 162, 227, 229, 280, 353, 363.
Bodywork Therapies, Board
S 998 (Ch&HumRes Com) ..... 457, 778.
Certified Public Accountant Examiners Board
Injunctive Relief Authority
H 400 (Ch. 137) ..... 343, 578, 589, 618, 620.
Chiropractic Examiners Board
Appointive Authority President *Pro Tempore*
S 901 [Sec. 11](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Disciplinary Action Grounds
S 744 (J1/Const Com) ..... 335.
H 829 (Ch. 188) ..... 539, 599, 642, 655, 657.
Members Appointed
S 828 [Sec. 5](Ch. 493/see S 692) ..... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 6](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Code Officials Qualification Board, North Carolina
Appointive Authority President *Pro Tempore*
S 901 [Sec. 12](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Comprehensive Major Medical Plan Board of Trustees,
North Carolina Teachers' and State Employees'
—see under this subheading Major Medical Plan
Correction Enterprises Board Created
S 417 (H 303)(J2/ElecLaws Com) ..... 212.
Cosmetic Art Examiners Board
Appointive Authority President *Pro Tempore*
S 901 [Sec. 13](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
License and Renewal Fees Increase/Audit
S 966 (Ch. 541) ..... 429, 549, 555, 1382, 1387.
Members Appointed
H 897 [Sec. 7](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.

BOARDS AND COMMISSIONS (continued)
Boards (continued)
Criminal Justice Advisory Board
Clerk of Court Membership
S 278 (reref Appr Com) ..... 157, 1016.
Criminal Justice Information Network Governing Board
S 629 (reref Appr Com) ..... 304, 750.
Deferred Compensation Plan, Board of Trustees,
North Carolina Public Employees
Appointive Authority President *Pro Tempore*
S 901 [Sec. 40](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 9](Ch. 493/see S 692; H 897) ..... 381, 506, 532, 1114, 1124, 1125.
Dietetics/Nutrition Board
Appointive Authority President *Pro Tempore*
S 901 [Sec. 16](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Dental Examiners
Annual Meetings/Fee Increase
S 555 (H Fin Com) ..... 268, 342, 353.
Economic Development Board
Economic Development Plan Revision/Report
S 703 (reref Appr Com) ..... 329, 1042.
Education, State Board
Appointment (Taft, Norwood, Thomas)
S 539 (recommit Ed/HighEd Com) ..... 266, 313, 453, 942.
Confirmation of Appointments
(Taft, Thomas, Norwood) ..... 194, 286, 1071.
Educational Facilities Finance Agency, Board of Directors
Appointive Authority President *Pro Tempore*
S 901 [Sec. 17](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Genetic Engineering Review Board
Members Appointed
H 897 [Sec. 15](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Health Care Excess Liability Fund Board of Governors
Appointive Authority President *Pro Tempore*
S 901 [Sec. 21](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Health, Local Board
Removal from Office
S 505 (Ch. 264) ..... 245, 433, 445, 712, 739, 742.
Health Plan Purchasing Alliance Board
Members Appointed
S 691 [Sec. 13](Ch. 492/see S 901) .... 327, 506, 530, 1114, 1124, 1125.
Small Employer Coverage Changes
S 652 (Ch. 238) ..... 307, 396, 414, 710.
Housing Finance Agency, Board of Directors
Appointive Authority President *Pro Tempore*
S 901 [Sec. 24](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 12](Ch. 493/see S 692) .... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 17](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.

BOARDS AND COMMISSIONS (continued)
Boards (continued)
Licensing/Examining Board Employee Retirement
S 310 (reref Appr Com) ..... 169, 669.
Major Medical Plan, Board of Trustees,
Teachers' and State Employees', Comprehensive
Appointive Authority President *Pro Tempore*
S 901 [Sec. 56](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 16](Ch. 493/see S 692) .... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 41](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Manufactured Housing Board
Members Appointed
S 691 [Sec. 6](Ch. 492/see S 901) ..... 327, 506, 530, 1114, 1124, 1125.
Medical Examiners Board
Name Changed to North Carolina Medical Board
S 1017 (Ch. 94) ..... 470, 500, 534, 571.
Terms/License Revocation, Restoration
S 653 (Ch. 405) ..... 307, 452, 493, 973, 982, 1000, 1008.
Mortuary Science
Anatomy Commission Member Appointment
S 506 (Ch. 123) ..... 246, 440, 467, 485, 612.
Motor Vehicle Dealers' Advisory Board
Appointive Authority President *Pro Tempore*
S 901 [Sec. 36](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Natural Heritage Trust Fund Board of Trustees
Appointive Authority President *Pro Tempore*
S 901 [Sec. 37](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
New Licensing Boards Legislative Committee ..... 354.
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S 410 ..... 606.
S 837 ..... 606.
S 998 ..... 778.
Nursing Board, North Carolina Center
Members Appointed
S 691 [Sec. 7; 16.2](Ch. 492/see S 901) . 327, 506, 530, 1114, 1124, 1125.
H 897 [Sec. 23](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Nursing Home Administrators
Membership Represent Profit/Nonprofit Homes
S 330 (H StGov Com) ..... 178, 200, 208.
H 204 (Ch. 86) ..... 207, 452, 486, 561, 564, 566.
On-Site Wastewater System Contractors Licensing
S 410 (Ag/Envir/NatRes Com/see H 600) ..... 212, 606.
Optometry Board of Examiners
Peer Review with Optometric Society
S 573 (H Cal 36a) ..... 274, 293, 320, 338.
Pesticide Board
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S 150 (Ag/Envir/NatRes Com) ..... 95.
Members Include Environmentalist/Farm Worker
S 149 (Ag/Envir/NatRes Com) ..... 95.

BOARDS AND COMMISSIONS (continued)
Boards (continued)
Pharmacy, State Board
Firearms Allowed/Investigating Employees
S 793 (H Bus&Lbr Com) ..... 367, 514, 531.
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Podiatrist Qualified to Perform Surgery List
S 399 (H 489; H 689)(Ch. 248) ..... 210, 278, 284, 293, 712, 723.
Prepaid Postsecondary Education Expense Board
S 977 (Ed/HighEd Com) ..... 441.
Private Protective Services Board
Appointive Authority President *Pro Tempore*
S 901 [Sec. 39](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Licensee Representative Majority Income
S 1092 (reref Fin Com) ..... 478, 796.
Members Appointed
S 828 [Sec. 19](Ch. 493/see S 692) .... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 28](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Progress Board, North Carolina
S 608 (Commerce Com) ..... 296.
H 456 (Ch. 117) ..... 398, 409, 449, 486, 562, 567, 575, 591, 605.
Public Telecommunications, North Carolina Agency
Appointive Authority President *Pro Tempore*
S 901 [Sec. 42](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 20](Ch. 493/see S 692) .... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 31](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Public Television, UNC Center Board of Trustees
Appointive Authority President *Pro Tempore*
S 901 [Sec. 61](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 30](Ch. 493/see S 692) .... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 45](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Real Estate Appraisal Board
Members Appointed
H 897 [Sec. 32](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Refrigeration Examiners, State Board Composition
H 63 (Ch. 376) ..... 480, 577, 909, 913, 930, 976.
Retirement System, Board of Trustees, Teachers' and State Employees'
Appointive Authority President *Pro Tempore*
S 901 [Sec. 57](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 21](Ch. 493/see S 692) .... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 42](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Science and Mathematics School, Board of Trustees
Appointive Authority President *Pro Tempore*
S 901 [Sec. 45](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 24](Ch. 493/see S 692) .... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 34](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.

BOARDS AND COMMISSIONS (continued)
Boards (continued)
Science and Technology Board
Appointive Authority President *Pro Tempore*
S 901 [Sec. 46](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 25](Ch. 493/see S 692; H 897) ..... 381, 506, 532, 1114, 1124, 1125.
Social Work Board Fee Structure
S 642 (Ch. 344) ..... 306, 507, 530, 941.
Soil Scientist, Licensing Board
Established
S 837 (reref Fin Com) ..... 382, 606, 715.
H 826 (Ch. 414) ..... 924, 946, 980, 993, 1002, 1014.
Member Appointed
S 691 [Sec. 16.3](Ch. 492/see S 901) ... 327, 506, 530, 1114, 1124, 1125.
Southern Growth Policies Board
Appointive Authority President *Pro Tempore*
S 901 [Sec. 50](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Standards Board/Public School Administration
Technical/Clarifying Changes
S 460 (Ed/HighEd Com) ..... 228.
H 235 (Ch. 116) ..... 284, 582, 589, 605.
Transferred to Board of Education
H 229 [Sec. 17.13](Ch. 324) ..... 835, 1404, 1413.
H 235 (S 460)(Ch. 116) ..... 284, 582, 589, 605.
Teacher Academy Board of Trustees, N.C.
H 229 [Sec. 17.9](Ch. 324) ..... 832.
Teachers' and State Employees' Retirement System,
Board of Trustees—see **Appointments** (Governor) (President *Pro Tempore*) (Speaker of the House of Representatives)
Teaching, North Carolina Center for Advancement Board of Trustees
Appointive Authority President *Pro Tempore*
S 901 [Sec. 2](Ch. 490/see S 691) ..... 420, 506, 533, 1108, 1124, 1125.
Therapeutic Recreation Certification Board
Appointive Authority President *Pro Tempore*
S 901 [Sec. 59](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 31](Ch. 493/see S 692; H 897) ..... 381, 506, 532, 1114, 1124, 1125.
Transportation Board, NC
Appointive Authority President *Pro Tempore*
S 901 [Sec. 60](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 32.1](Ch. 493/see S 692) ... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 44](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
University of North Carolina Board of Governors—see **Higher Education**
Commissions
Agriculture and Forestry Awareness Commission
Appointive Authority President *Pro Tempore*
S 901 [Sec. 5](Ch. 490/see S 691) ..... 420, 506, 533, 1108, 1124, 1125.

BOARDS AND COMMISSIONS (continued)
Commissions (continued)
Art Museum Building Commission
Appointive Authority President *Pro Tempore*
S 901 [Sec. 8.1](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Banking Commission
Appeals and Procedures/Commissioner Decision
S 482 (Ch. 129) ..... 236, 259, 292, 619.
S 686 (Ch. 267) ..... 327, 378, 393, 713, 739, 743.
Appointive Authority President *Pro Tempore*
S 901 [Sec. 9](Ch. 490/see S 691) ..... 420, 506, 533, 1108, 1124, 1125.
Commissioner Confirmation (Lingerfelt)
S 124 (recommit Commerce Com) ..... 88, 94, 102.
H 91 (Res. 2) ..... 96, 98, 100, 101.
Members Appointed
S 828 [Sec. 4](Ch. 493/see S 692) ..... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 4](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Boxing Commission, North Carolina State
Created/Terms/Rule-Making Authority
H 555 (Ch. 499) ..... 1037, 1084, 1096, 1103, 1126.
Building Commission, State
Appointive Authority President *Pro Tempore*
S 901 [Sec. 52](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Construction Contracting Guidelines
S 437 (Ch. 367) ..... 218, 340, 352, 355, 360, 945, 962, 970.
Members Appointed
S 828 [Sec. 27](Ch. 493/see S 692; H 897) ..... 381, 506, 532, 1114, 1124, 1125.
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H 673 (Rules Com) ..... 557, 597.
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Capitol Preservation Commission
Repealed
H 230 [Sec. 12](Ch. 507) ..... 1208.
Child Day Care Commission
Appointive Authority President *Pro Tempore*
S 901 [Sec. 10](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Criminal History Record Check Rules
S 165 (H 403)(reref Appr Com) ..... 104, 110, 365.
S 371 (H 259)(Ch&HumRes Com) ..... 197.
H 230 [Sec. 23.25](Ch. 507) ..... 1286.
H 403 (S 165)(J1/Const Com) ..... 1080, 1088.
Members Appointed
S 828 [Sec. 8](Ch. 493/see S 692) ..... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 5](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Common Sense Regulatory Review Commission
S 1071 (Appr Com) ..... 476.
H 898 [Sec. 7.1](Ch. 542) ..... 1382, 1383, 1387.
Crime Commission
Membership Representation Restructured
H 673 (Rules Com) ..... 557, 597.

BOARDS AND COMMISSIONS (continued)
Commissions (continued)
Crime Victims Compensation Commission
Appointive Authority President *Pro Tempore*
S 901 [Sec. 14](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 6](Ch. 493/see S 692) ..... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 8](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Criminal Justice Education/Training Standards Commission
Appointive Authority President *Pro Tempore*
S 901 [Sec. 15](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 7](Ch. 493/see S 692) ..... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 9](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Membership Expanded
S 411 (J2/ElecLaws Com) ..... 212.
Disciplinary Hearing Commission
Appointive Authority President *Pro Tempore*
S 901 [Sec. 51](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Dispute Resolution Commission Created
S 528 (Ch. 500) ..... 257, 513, 527, 779, 786, 990, 1001, 1002, 1006, 1129, 1135.
S 916 (H 913)(reref Fin Com) ..... 421, 447.
H 913 (S 916)(recommit Fin Com) ..... 946, 1100, 1113, 1122, 1129.
Education Improvement Commission
Creation/Study
H 898 [Sec. 2.1(7a)](Ch. 542/see H 42) ..... 1382, 1383, 1387.
Education Standards and Accountability
Testing Standards/Assessment Report
S 24 (H 927)(Ch. 524) ..... 63, 265, 277, 1063, 1087, 1098, 1109, 1139, 1151, 1376, 1386.
Transfer to Board of Education
H 229 [Sec. 17.12](Ch. 324) ..... 834, 1404, 1413.
Environmental Management Commission
Appointive Authority President *Pro Tempore*
S 901 [Sec. 18](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 11](Ch. 493/see S 692) .... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 12](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Membership Increased/Terms Specified
H 673 (Rules Com) ..... 557, 597.
Farmers Market Commission, Southeastern
Appointive Authority President *Pro Tempore*
S 901 [Sec. 49](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
H 897 [Sec. 38](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Fire and Rescue Commission
Appointive Authority President *Pro Tempore*
S 901 [Sec. 20](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
H 897 [Sec. 14](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.

BOARDS AND COMMISSIONS (continued)
Commissions (continued)
Fire and Rescue Commission (continued)
Membership Increased
S 905 (H Rules Com) ..... 420, 588, 610, 1363, 1368.
First Flight Centennial Commission
H 230 [Addendum](Ch. 507) ..... 1467.
Gaming Study Commission Created
S 1034 (Appr Com) ..... 472.
General Statutes—see that heading
Governmental Operation Commission, Joint Legislative ..... 208.
Health Care Reform Commission
Created
S 784 (reref Appr Com/see H 230 [Sec. 23A.3-23A.6]; H 288; H 289; H 290) ..... 366, 719.
H 230 [Sec. 23A.3](Ch. 507) ..... 1298.
Membership/Powers/Duties
H 230 [Sec. 23A.3](Ch. 507) ..... 1298.
Health Insurance Trust Commission
Appointive Authority President *Pro Tempore*
S 901 [Sec. 22](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Health Planning Commission
Renamed Health Care Reform Commission
H 230 [Sec. 23A.3](Ch. 507) ..... 1298.
Health Services Commission Membership Increased
S 768 (H 924)(Appr Com) ..... 357.
H 230 [Sec. 26.8(d)](Ch. 507) ..... 1322.
Human Relations Commission
Appointive Authority President *Pro Tempore*
S 901 [Sec. 26](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Indian Affairs Commission
Appointive Authority President *Pro Tempore*
S 901 [Sec. 27](Ch. 490/see S 691) .... 420, 506, 533, 1108, 1124, 1125.
Members Appointed
S 828 [Sec. 13](Ch. 493/see S 692) .... 381, 506, 532, 1114, 1124, 1125.
H 897 [Sec. 18](Ch. 488) ..... 540, 600, 1094, 1106, 1109, 1125.
Industrial Commission—see that heading
Information Resource Management Commission
Information Technology Council Renamed
S 389 (H 394)(Commerce Com) ..... 205.
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S 691 [Sec. 1](Ch. 492/see S 901) ..... 327, 506, 530, 1114, 1124, 1125.
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PLYLER, Aaron W.—Senator Anson, Hoke (part), Montgomery, Richmond, Scotland, Stanly (part), **Union—17th District**

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Natural and Economic Resources	Appr/N&ER
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